



Mexico-U.S. Relations: Issues for Congress

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Summary

The United States and Mexico have a close and complex bilateral relationship, with extensive economic linkages as neighbors and partners under the North American Free Trade Agreement (NAFTA). Bilateral relations are characterized by strong commercial and cultural ties and cooperation on a range of bilateral and international issues. In recent years, security issues have dominated the bilateral agenda, as the United States has supported Mexican President Felipe Calderón's campaign against drug trafficking organizations (DTOs) and organized crime.

Halfway through his six-year term, President Calderón of the conservative National Action Party (PAN) is focused on dealing with two major challenges: restarting the Mexican economy, which contracted by 7% in 2009 (largely as a result of the U.S. recession), and combating DTOs. In addition, Calderón submitted a wide-ranging political reform proposal to the Mexican Congress in December 2009, which, if enacted, would introduce run-off presidential elections, permit legislators to run for re-election, and reduce the size of the Congress. As the 2012 presidential elections approach, the Congress, which is now dominated by the Institutional Revolutionary Party (PRI), could be reluctant to give President Calderón any major legislative victories or to take up difficult issues such as reforming the declining oil sector. In recent years, U.S.-Mexican relations have grown stronger as the two countries have worked together to combat drug trafficking and secure their shared border. President Obama met with President Calderón in Mexico on April 16-17, 2009, to discuss counterdrug cooperation, immigration reform, and climate change. The leaders met again in August 2009 alongside Canadian Prime Minister Stephen Harper at the North American Leaders Summit in Guadalajara to discuss how to coordinate their responses to the global economic crisis, climate change, and security issues. They pointed to North America's successful response to the H1N1 "swine flu" outbreak as a model for future collaboration. One challenge for Mexico-U.S. relations has been how to resolve an ongoing dispute involving the implementation of NAFTA trucking provisions. In March 2009, Congress terminated a pilot project for Mexican-registered trucks to operate beyond the border commercial zone, and Mexico responded by imposing import tariffs on more than 90 U.S. agricultural and industrial products.

During its second session, the 111th Congress is likely to maintain an active interest in Mexico with counternarcotics, border, and trade issues dominating the agenda. To date, Congress has appropriated some \$1.3 billion in assistance for Mexico under the Mérida Initiative, an anti-crime and counterdrug package first funded in FY2008, including \$210.3 million in the FY2010 Consolidated Appropriations Act (P.L. 111-117). Congress is likely to maintain a keen interest in how implementation of the Mérida Initiative and related domestic initiatives to improve border security are proceeding, particularly as it considers the President's FY2011 budget request, which includes at least \$341 million in assistance to Mexico, including \$310 million in assistance accounts that have funded the Mérida Initiative. Congress may also be interested in how the Obama Administration moves to resolve the current trucking dispute with Mexico now that P.L. 111-117 would permit the resumption of a U.S.-funded pilot program for Mexican trucks. Congress may also consider proposals for comprehensive immigration reform. For more information, see CRS Report R40135, *Mérida Initiative for Mexico and Central America: Funding and Policy Issues*; CRS Report R40582, *Mexico's Drug-Related Violence*; CRS Report RL32934, *U.S.-Mexico Economic Relations: Trends, Issues, and Implications*; and CRS Report RL31738, *North American Free Trade Agreement (NAFTA) Implementation: The Future of Commercial Trucking Across the Mexican Border*.

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Recent Developments

On February 1, 2010, the Obama Administration submitted its FY2011 budget request to Congress. Although the complete budget request for Mexico will not be available until the State Department releases its FY2011 Congressional Budget Justification for Foreign Operations, it appears that the Administration has requested at least \$341 million in assistance to Mexico, including \$310 million in assistance accounts that have funded the Mérida Initiative. (see “U.S. Assistance to Mexico”)

On January 27, 2010, Mexico’s Central Bank announced that remittance inflows fell 15.7% in 2009 to \$21 billion.

On January 15, 2010, Mexican officials announced that 2,000 newly trained federal police would take over primary responsibility for securing Ciudad Juárez, Chihuahua, the country’s most violent city, from the military forces that had controlled public security efforts in the city since the spring of 2009. A day later, the Mexican military deployed 850 more soldiers to Tijuana, Baja California, a city where violence has spiked in recent months.

On January 12, 2010, the Mexican government arrested Teodoro “el Teo” Simental, a drug trafficker accused of orchestrating at least 300 murders in Baja California.

On January 1, 2010, Mexican authorities found the bodies of an American educator from El Monte, California, Agustín Roberto “Bobby” Salcedo, and five other men who were allegedly kidnapped from a restaurant and then killed by suspected drug traffickers in Durango, Mexico.

On December 30, 2009, Mexican federal police arrested Carlos Beltrán Leyva, the brother of Arturo Beltrán Leyva and himself a major drug trafficker, in Sinaloa.

On December 30, 2009, the Bureau of Alcohol, Tobacco, Firearms, and Explosives announced that it had deployed a bilingual version of its “e-Trace” firearms tracing technology to Mexico.

On December 16, 2009, Mexican marines killed Arturo Beltrán Leyva, one of Mexico’s most wanted drug traffickers, during a shootout in Cuernavaca, Morelos. Just prior to the funeral for one of the marines who was killed in the operation against Beltrán Leyva, gunmen entered the marine’s home and killed four of his close family members.

On December 16, 2009, Congress appropriated \$50 million in funding for counternarcotics communication equipment for Mexico in the FY2010 Department of Defense Appropriations Act (P.L. 111-118).

On December 15, 2009, the U.S. Embassy in Mexico City announced the delivery of five Bell helicopters, valued at \$66 million, that had been purchased for Mexico’s Secretary of Defense as part of the Mérida Initiative.

On December 15, 2009, President Calderón presented a proposal for comprehensive political reform to the Mexican Congress. Among other things, the reform package seeks to introduce a presidential run-off election in the event that neither candidate wins an outright majority, to allow senators and deputies to be re-elected and to serve for up to 12 years, and to reduce the size of the Mexican Senate and Chamber of Deputies.

On December 13, 2009, Congress passed the FY2010 Consolidated Appropriations Act (P.L. 111-117), which allows for \$210.3 million for Mérida funds for Mexico subject to the same human rights conditions as those provided in P.L. 111-8. The Act does not include language that was in P.L. 111-8 prohibiting the Department of Transportation from funding a pilot project for Mexican-registered trucks to operate beyond the border commercial zone.

On December 3, 2009, the Government Accountability Office (GAO) issued a preliminary report for Congress on the status of funding for the Mérida Initiative. By the end of September 2009, GAO found that \$830 million of the \$1.3 billion in Mérida funds appropriated for Mexico and Central America had been obligated by the State Department, but only \$26 million of the funds had actually been spent. The report is available at: <http://www.gao.gov/products/GAO-10-253R>.

On November 17, 2009, the Mexican Congress gave final approval for the FY2010 budget. While the final bill included an increase in income taxes for the country's top income brackets, a slight increase in the value-added tax, and a tax on beer and cigarettes, it did not include a 2% consumption tax that President Calderón had proposed. On the expenditure side, the budget requires the Calderón Administration to make cutbacks in its operating and personnel budgets, while maintaining spending for social programs, infrastructure, and the agriculture sector. The budget dedicates roughly \$6.9 billion for security-related programs.

On October 22-23, 2009, agents from several U.S. federal agencies, as well as state and local police, engaged in a joint operation in 38 U.S. cities against La Familia Michoacana. The raid resulted in 300 arrests.

On October 11, 2009, President Calderón ordered the liquidation of Luz y Fuerza del Centro (LyFC), an ill-performing state-owned electricity company that served Mexico City and several surrounding states. The move sparked massive protests by the 42,000 unionized workers that had enjoyed overly generous benefits from the company.

Figure I. Map of Mexico, Including States and Border Cities



Source: Map Resources, adapted by CRS.

Background on Mexico

Political Developments

Over the past decade, Mexico has moved from one-party rule by the PRI to multi-party democracy. Current PAN President Felipe Calderón won the July 2006 presidential election in an extremely tight race, defeating Andrés López Obrador of the leftist Democratic Revolution Party (PRD) by less than 234,000 votes. The presidential race was so close that final results were not announced until early September 2006, when the Federal Electoral Tribunal completed adjudication of all the challenges to those results. Calderón was sworn in to a six-year term on December 1, 2006.

In the first half of his term, President Calderón, whose PAN party became the largest party in the Senate and Chamber of Deputies after the 2006 legislative elections, had some success in turning to the PRI for help in advancing his legislative agenda. In 2007, he secured passage of long-awaited fiscal and pension reforms that had stalled under the Fox Administration. In June 2008, President Calderón signed a judicial reform decree after securing the approval of Congress and Mexico's states for an amendment to Mexico's Constitution. Under the judicial reform, Mexico will have eight years to move from a closed door process based on written arguments to a public trial system with oral arguments and the presumption of innocence. In October 2008, the government secured approval of an energy sector reform intended to improve the transparency and management flexibility of state-oil company, *Petroleos Mexicanos* (PEMEX). Critics maintained that its watered-down provisions, which provide only limited opportunities for private investment in the company, would not do enough to encourage new oil exploration.¹

In the months leading up to the July 5, 2009 midterm elections, most polls indicated that the PRI, which had fared well in recent state and municipal elections, would fare well as compared to the PAN and the PRD. The PRI performed even better than those polls had suggested, capturing 237 of 500 seats in the Chamber of Deputies, five of six governorships, and several municipalities. Analysts have attributed the PRI's strong performance to growing popular concern about the country's economic downturn, as well as the party's effective use of its still formidable national machinery. Although President Calderón is still popular, the PAN lost seats in the Chamber (from 206 to 147) and two key governorships, with voters expressing frustration with the party's failure to distinguish itself from the PRI. (The PAN still controls the Senate, however.) The PRD fared even worse than the PAN in the mid-term elections, winning just 72 seats in the Chamber, as internal divisions within the party led Andrés López Obrador to throw his support behind left-leaning candidates from smaller parties, many of whom won.²

¹ Alexandra Olson, "Mexico Approves Oil Reform Bill in General Terms, Experts Call it Disappointment for Investors," *AP*, October 28, 2008.

² Andrew Selee and Katie Putnam, "Mexico's 2009 Midterm Elections: Winners and Losers," Woodrow Wilson Center, July 2009; George W. Grayson, "The PRI Makes a Comeback in Mexico," Foreign Policy Research Institute, July 2009.

The composition of the new Congress, which was sworn in on September 1, 2009, could complicate President Calderón's agenda in the second half of his term. The PRI, which, combined with the support of the allied Green Ecological Party (PVEM) party, now controls a majority in the Chamber, is likely to try to use its position to gear up for the 2010-2011 gubernatorial elections and the 2012 presidential election. However, many observers maintain that the PRI is unlikely to block any major security or economic stimulus initiatives, given the severity of the drug violence and economic challenges that Mexico is facing. Moreover, the PRI is expected to be more cooperative now than it was after winning a majority in the 2003 elections, for fear of being dismissed by voters in 2012 as obstructionist.³

Drug Trafficking and Heightened Violence and Crime in Mexico⁴

Mexico is a major producer and supplier to the U.S. market of heroin, methamphetamine, and marijuana and the major transit country for as much as 90% of the cocaine sold in the United States. A small number of Mexican drug trafficking organizations (DTOs), often erroneously referred to as "drug cartels,"⁵ control the most significant drug distribution operations along the Southwest border. The criminal activities of these Mexican DTOs reach well beyond the towns and cities of the border, extending along drug trafficking routes into cities across the United States.⁶ In the past few years, the violence and brutality of the Mexican DTOs have escalated as an increasing number of groups have battled each other for control of lucrative drug trafficking routes into the United States.

Since taking office in December 2006, President Calderón has made combating drug trafficking organizations (DTOs) a top priority of his administration. He has called increasing drug violence in Mexico a threat to the Mexican state and has sent thousands of soldiers and police to drug trafficking "hot-spots" in at least 16 states throughout Mexico. Joint deployments of federal military and police officials are just one part of the Calderón government's strategy against the DTOs. That strategy involves (1) deploying the military to restore law and order, (2) law enforcement operations, (3) institutional reform and anti-corruption initiatives⁷, (4) recovering social cohesion and trust, and (5) building up international partnerships against drugs and crime (like the Mérida Initiative).⁸ President Calderón has also used extradition as a major tool to

³ "Country Report: Mexico," *Economist Intelligence Unit*, January 2010.

⁴ For more on DTOs and drug-related violence in Mexico, see CRS Report R40582, *Mexico's Drug-Related Violence*, by June S. Beittel.

⁵ The term drug cartel remains the term used colloquially and in the press, but some experts disagree with this because "cartel" often refers to price-setting groups and it is not clear that Mexican drug cartels are setting illicit drug prices.

⁶ The U.S. Justice Department's *National Drug Threat Assessment 2009*, published in December 2008, identified Mexican DTOs as the greatest drug trafficking threat to the United States. The current dominance of the Mexican DTOs over the U.S. drug market arose with the closing of the Caribbean route through which drugs, and particularly cocaine from Colombia, was channeled into the United States. With increased U.S. efforts to interdict narcotic smugglers in the Caribbean and Florida in the late 1980s and 1990s, the Colombian drug cartels began subcontracting with Mexican DTOs to smuggle cocaine into the United States across the Southwest border. By the late 1990s, Mexican DTOs had pushed aside the Colombians and gained greater control and market share of cocaine trafficking into the United States.

⁷ In August 2009, for example, the Mexican government replaced all of the customs inspectors posted at the country's airports and border crossings with 1,454 new, better-trained inspectors.

⁸ Embassy of Mexico, Washington, DC. "Mexico and the Fight Against Drug Trafficking and Organized Crime: (continued...)"

combat drug traffickers, extraditing 95 individuals in 2008 and a record-breaking 107 individuals in 2009.⁹ These efforts, combined with increased collaboration and intelligence-sharing with U.S. law enforcement agencies, have resulted in some significant government victories against the DTOs – including the recent killing of Arturo Beltrán Leyva and capture of Teodoro Garcia Simental.¹⁰

Despite these victories, the persistent and increasingly brazen violence committed by the drug traffickers, which has occurred partially in response to government pressure, has led to increasing criticism of Calderón's aggressive anti-drug strategy.¹¹ In 2008 and again in 2009, the government's crackdown and rivalries and turf wars among Mexico's DTOs fueled an escalation in violence throughout the country, including in northern states near the U.S.-Mexico border. In the past two years, conservative estimates indicate that at least 11,740 Mexicans died in drug-related violence, including nearly 535 police and military officers who were killed in 2009.¹² Kidnapping for money, robbery, and extortion have also increased significantly, as some of the DTOs have evolved into what analysts have termed "full-scale mafias."¹³

Some experts assert that, in order to maintain popular support for its security policies, the Calderón government will have to show success in dismantling the DTOs, while also reducing drug-related violence in places like Ciudad Juarez, Sinaloa, Durango, and Baja California.¹⁴ Mexican officials are reportedly revising their military-led strategy in Ciudad Juarez and have just deployed 2,000 newly trained federal police to set up checkpoints and patrol the city. This move may help respond to academics and human rights groups who have argued that Calderón's heavy reliance on military forces to perform public security tasks has resulted in a growing number of human rights violations by security forces.¹⁵ The Mexican government is also reportedly considering an increase in funding for social and economic development programs to address the root causes of violence in Juarez and other border communities.¹⁶

(...continued)

Setting the Record Straight," June 2009, p. ii.

⁹ Email from Mexican Embassy in Washington D.C., January 12, 2010.

¹⁰ Elliot Spagat, "Mexico-U.S. Cooperation Cited in 2nd Drug Lord Arrest," *Associated Press*, January 12, 2010.

¹¹ José de Cordoba and Joel Millman, "Mexico Ramps up Drug War With a Surge on Rio Grande," *Wall Street Journal*, December 22, 2009; Jorge C. Castañeda, "What's Spanish for Quagmire?" *Foreign Policy*, January/February 2010.

¹² Figures for 2008 and 2009 are drawn from David Shirk, "Drug Violence in Mexico: Data and Analysis from 2001-2009," Trans-Border Institute (TBI), January 2010, citing data gathered by *Reforma* newspaper. For a description as to why *Reforma* data are used instead of other sources, see p. 2-3 of the TBI report, available at: <http://www.justiceinmexico.org/resources/pdf/drug-violence.pdf>.

¹³ Mark Stevenson, "Mexican Cartels go From Drugs to Full-Scale Mafias," *AP*, August 16, 2009.

¹⁴ Shirk, January 2010.

¹⁵ Jorge Rocha Quintero, "Public Security and Human Rights," in *Police and Public Security in Mexico*, edited by Robert A. Donnelly and David A. Shirk. San Diego, CA: University Readers, 2009.

¹⁶ William Booth and Steve Fainaru, "Mexico Questions its Drug Strategy; Violence in Juarez Prompts Officials to Admit Military Failure," *Washington Post*, December 27, 2009.

Economic Crisis and Nascent Recovery¹⁷

Mexico's economy is strongly dependent on economic conditions in the United States because more than 80% of its exports are destined for the U.S. market and the United States is its primary source of tourism revenues and foreign investment. The Mexican economy grew 3.3% in 2007, the first year of the Calderón government. Slower growth was already anticipated for 2008 due in part to decreasing consumer demand in the United States, declining Mexican oil production, and slow growth in remittances sent by Mexicans abroad. The global financial crisis, which caused a run on the Mexican peso, further reduced GDP growth in 2008 to just 1.4%. For 2009, the Mexican economy contracted by approximately 7%, the worst decline in six decades. Experts do not expect Mexico's real GDP to recover 2008 levels until 2011.¹⁸

The Calderón government has been struggling to cope with the combined effects of the U.S. and global recessions, a nationwide outbreak of H1N1 "swine" flu, and declining oil production. The U.S. recession has resulted in steep declines in demand for Mexican exports, particularly in the manufacturing sector. Mexico's exports to the United States between the period of January – November of 2009 declined by 22% when compared to the same period of 2008.¹⁹ The economic decline in the United States has also resulted in declining remittance flows to Mexico. In 2008, remittances to Mexico fell to an estimated \$25 billion, the lowest level since 2005. According to Mexico's Central Bank, remittance flows through in 2009 totaled just \$21.2 billion, 16% lower than last year.²⁰ These developments were further exacerbated by the outbreak of pandemic H1N1 "swine flu" in April 2009, which prompted the government to close restaurants, schools, and retail establishments for nearly two weeks. The tourism industry, Mexico's third largest foreign exchange earner, was especially hard hit by the outbreak, with a 50% drop in income earned by foreign visitors in May and a 29% drop in June as compared to the year before.²¹ Declining oil prices and production have also been major economic setbacks for Mexico, which depends on oil proceeds for over one-third of government revenue.

The Calderón government took a number of measures to attempt to cushion the Mexican economy from the fallout of the global economic crisis and the U.S. recession. The government used billions in its international reserves to shore up the peso, and the Mexican central bank established a temporary reciprocal currency swap line with the U.S. Federal Reserve for up to \$30 billion. The government also hedged its oil exports for 2009 at a price of \$70 a barrel in an effort to protect the economy from the decline in oil prices. The central government increased liquidity in the banking system, including multiple cuts in the prime policy lending rate. It also increased its credit lines with the World Bank, International Monetary Fund, and Inter-American Development Bank. In 2009, Mexico's fiscal stimulus amounted to 2.5% of GDP and was targeted on infrastructure spending and subsidies for key goods of household budgets, particularly those reducing energy costs. Government programs to support small and medium-sized

¹⁷ For background on the Mexican economy and U.S.-Mexican economic relations, see CRS Report RL32934, *U.S.-Mexico Economic Relations: Trends, Issues, and Implications*, by M. Angeles Villarreal.

¹⁸ "Country Report: Mexico," *EIU*, January 2010.

¹⁹ Based on data from the United States International Trade Commission (USITC) dataweb.

²⁰ "Mexico's Record Drop in Remittances," *Latinnews Daily*, January 28, 2010.

²¹ "Mexico Foreign Tourism Income Sinks 29% in June," *Reuters*, August 10, 2009.

businesses, worker training, employment generation, and social safety nets were maintained and, in some cases, expanded.²²

There are signs that the Mexican economy has begun to recover from the economic crisis, but the costs of the government's policy responses to that crisis have placed significant strain on Mexico's public finances. Economic growth picked up in the third and fourth quarters of 2009, and many experts are predicting that the Mexican economy may grow by as much as 3.5% in 2010.²³ However, Mexico's overall fiscal deficit is expected to reach 2.8% for 2010, estimated to be near the maximum that the country can afford. Recent downward revisions of Mexico's credit rating (still investor grade) reflect growing concern over Mexico's financial position in light of weak economic fundamentals and Mexico's recovery relying so heavily on a U.S. economic rebound. As a result, the Calderón government has ended some of the fuel subsidies put into place in January 2009 and garnered legislative approval for a relatively austere budget for 2010.²⁴

As elsewhere in Latin America, there are concerns that the economic downturn in Mexico has negatively impacted the country's recent progress in reducing poverty. Mexico, with a population of almost 110 million, is classified by the World Bank as an upper middle income developing country, with a per capita income level of \$9,980 (2008). According to officials from the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), the percentage of Mexicans living in poverty fell between 2000 and 2006, but rose again between 2006 and 2008 to include roughly 45% of the population. ECLAC has also estimated that the number of individuals living in extreme poverty in Mexico and Central America increased by 800,000 in 2009.²⁵

Mexico's main poverty reduction program is *Oportunidades* (Opportunities). The program, formerly known as *Progresa* (Progress), began under President Ernesto Zedillo (1994-2000) and has since expanded to benefit 5 million Mexican families (25 million individuals). The program seeks not only to alleviate the immediate effects of poverty through cash and in-kind transfers, but to break the cycle of poverty by improving nutrition, health standards, and educational attainment. It provides cash transfers to families in poverty who demonstrate that they regularly attend medical appointments and can certify that children are attending school. While some have praised *Oportunidades* for its positive effects on educational and nutrition outcomes, others have criticized it for creating dependency on government handouts.²⁶ On April 9, 2009, the World Bank approved a \$1.5 billion loan to Mexico to expand the *Oportunidades* program in an effort to relieve the social impact of the economic downturn.

²² ECLAC. *The Reactions of the Governments of the Americas to the International Crisis: An Overview of Policy Measures up to 31 March 2009*. April 2009.

²³ "Mexico (Country Intelligence)," *IHS Global Insight*, January 28, 2010.

²⁴ "Mexico Economy: Budget Passed, What Next?" *EIU Viewswire*, November 18, 2009; "President Felipe Calderón Eliminates Fuel Subsidies, Contributing to Increase in Price of Basic Goods," *SourceMex Economic News & Analysis on Mexico*, January 13, 2010.

²⁵ U.N. Economic Commission for Latin America and the Caribbean, *Statistical Yearbook for Latin America and the Caribbean 2008*; "ECLAC: Extreme Poverty Up in 2009 in Mexico, Central America," *Latin American Herald Tribune*, January 23, 2010.

²⁶ Santiago Levy, *Good Intentions, Bad Outcomes – Social Policy, Informality and Economic Growth in Mexico*. Washington D.C.: Brookings Institution, April 2008.

Foreign Policy Challenges

While the bilateral relationship with the United States has continued to dominate Mexican foreign policy, former President Fox (2000-2006) and current President Calderón have pursued more diversified foreign policies than their recent predecessors. The Fox Administration pursued other policy initiatives after the September 2001 terrorist attacks turned U.S. attention away from Mexico and toward the Middle East. Mexico held a temporary seat on the U.N. Security Council in 2002 and 2003 and voted against the U.S. invasion of Iraq, which disappointed the Bush Administration. Fox promoted Plan Puebla-Panama, now called the Mesoamerican Plan, a series of energy, infrastructure, and regional connectivity initiatives with Central America. He attempted to revive the G-3 group trade preferences (Colombia, Venezuela, and Mexico); however, Venezuela formally withdrew from the group in November 2006. Fox also sought better ties with countries in South America. He attempted to expand trade with the European Union under the EU-Mexico free trade agreement (FTA) that went into effect in July 2000, and with Japan under the Mexico-Japan FTA that entered into force in April 2005.²⁷

President Calderón has sought to pursue an independent foreign policy with even closer ties to Latin America. Calderón has regularly met with President Álvaro Uribe of Colombia, with whom he has formed a partnership, along with the leaders of Guatemala and Panama, to combat drug trafficking and organized crime. The Colombian government has offered to share training, intelligence, and “best practices” with Mexico that it has gathered through many years of counterdrug operations. In mid-August 2009, President Calderón visited Brazil to discuss the possibility of forming a Brazil-Mexico FTA, as well as developing greater energy cooperation between PEMEX and Petrobras, Brazil’s state-owned oil company. Security cooperation between Mexico and the Central American Integration System (SICA) has also expanded under President Calderón. Progress has also continued to advance, albeit slowly, on the Mesoamerican Project mentioned above. The Calderón government attempted to help resolve the political crisis in Honduras after the ouster of former president Manuel Zelaya in June 2009, and has recognized the new government of Porfirio Lobo elected in November 2009. In response to the January 2010 earthquake in Haiti, Mexico pledged \$8 million in financial support and sent 10 aircraft, 2 ships (one of which is a hospital ship), 208 experts in search and rescue, and 1,500 tons of humanitarian supplies.²⁸

President Calderón has also tried to mend relations with Cuba and Venezuela, which had become tense during the Fox Administration. In September 2007, Mexican and Venezuelan ambassadors presented credentials to the respective governments, restoring full relations for the first time since November 2005. In May 2004, President Fox recalled Mexico’s ambassador to Cuba; ambassadors were later restored, but relations between the two countries remained tense through the remainder of the Fox administration. A Cuban ambassador to Mexico also presented his credentials to President Calderón in September 2007. In November 2008, a new Mexico-Cuba agreement intended to help slow the trafficking of undocumented Cubans passing through Mexico to the United States took effect.²⁹

²⁷ For more information, see CRS Report R40784, *Mexico’s Free Trade Agreements*, by M. Angeles Villarreal.

²⁸ Organization of American States (OAS), “Update on OAS Efforts in Support of Haiti,” January 21, 2010.

²⁹ “Cuban Envoy to Mexico Says Migration Agreement to Halt People Trafficking,” *BBC Monitoring Americas*, (continued...)

Mexican-U.S. Relations

Background

Until the early 1980s, Mexico had a closed and statist economy and its independent foreign policy was often at odds with the United States. Those policies began to shift, however, under President Miguel de la Madrid (1982-1988), and changed even more dramatically under President Carlos Salinas de Gortari (1988-1994) and President Ernesto Zedillo (1994-2000). Presidents Salinas opened Mexico's economy to trade and investment, while President Zedillo adopted electoral reforms that leveled the playing field for opposition parties and increased cooperation with the United States on drug control and border issues.

President Fox (2000-2006) encouraged strong relations with the United States, and called for greater cooperation under NAFTA and for a bilateral migration agreement that would regularize the status of undocumented Mexicans in the United States. In the aftermath of the September 2001 terrorist attacks in the United States, the focus of relations shifted to border security issues as the United States became increasingly concerned about homeland security. Relations became strained during the debate on immigration reform in the United States. After President Bush approved the Secure Fence Act of 2006, Mexico, with the support of 27 other nations, denounced the proposed border fence at the Organization of American States.

Under the Calderón government, drug trafficking and violence, border security, and immigration have continued to define the bilateral relationship. Felipe Calderón made his first official visit to the United States as President-elect in early November 2006, after first visiting Canada and several Latin American countries. During his visit, Calderón criticized the authorization of 700 miles of fencing along the U.S.-Mexico border and noted that it complicated U.S.-Mexico relations. He asserted that job creation and increased investment in Mexico would be more effective in reducing illegal migration from Mexico than a border fence. Calderón signaled a shift in Mexican foreign policy when he noted that while immigration is an important issue in the bilateral relationship, it is not the only issue, as trade and economic development are also important.

President Calderón reiterated these concerns during President Bush's March 2007 visit to Mexico. During the visit, President Calderón also called for U.S. assistance in combating drug and weapons trafficking. Specifically, Calderón promised to continue his efforts to combat drug trafficking and called for U.S. efforts to reduced the demand for drugs. Calderón's willingness to increase narcotics cooperation with the United States led to the development of the Mérida Initiative, a multi-year U.S. assistance effort announced in October 2007 to help Mexico and Central America combat drug trafficking and organized crime.

(...continued)

November 20, 2008.

Obama Administration

U.S.-Mexican relations have continued to be close under the Obama Administration, largely focusing on cooperation in combating organized crime and drug trafficking. In mid-January 2009, President Calderón visited then President-elect Obama in Washington D.C. That pre-inaugural meeting, which has become somewhat of a tradition for recent U.S. presidents, demonstrated the importance of strong relations with Mexico.

Secretary of State Hillary Clinton traveled to Mexico City and Monterrey, Mexico, on March 25-26, 2009 to discuss a broad range of bilateral issues, including cooperation under the Mérida Initiative. The Secretary asserted that the U.S. relationship with Mexico “is one of the most important relationships between any two countries in the world” and that both countries “need a strong and sustained partnership, one based on comprehensive engagement, greater balance, shared responsibility, and joint efforts to address hemispheric and global issues.”³⁰ During her visit, Secretary Clinton and Mexican Foreign Minister Patricia Espinosa announced the creation of a new bilateral implementation office in Mexico where Mexican and U.S. officials will work together on efforts to combat drug traffickers and associated violence. Perhaps most significantly, Secretary Clinton criticized the failure of U.S. antidrug policy and acknowledged that an “insatiable demand for illegal drugs” in the United States “fuels the drug trade.”³¹

Clinton’s visit to Mexico was followed in early April 2009 with trips by Homeland Security Secretary Napolitano and Attorney General Holder where they met with Mexican officials and attended an arms trafficking conference. Both officials emphasized new efforts by their agencies to combat the drug cartels, including the deployment of additional personnel and resources to support anti-gun trafficking and interdiction efforts, as well as law enforcement cooperation.

On April 16-17, 2009, President Barack Obama traveled to Mexico to meet with President Calderón. The two presidents discussed cooperation in the fight against drug-related violence, immigration reform, and a new bilateral framework on clean energy and climate change. During the visit, President Obama acknowledged the U.S. demand for drugs was helping to keep the Mexican drugs cartels in business, and that “more than 90% of the guns recovered in Mexico come from the United States.”³²

At the North American Leaders’ Summit in Guadalajara, Mexico in August 2009, President Obama praised Mexico’s response to the H1N1 swine flu outbreak and gave his full support for President Calderón’s struggle against the drug cartels. Obama stated that he has “great confidence in President Calderón’s administration applying the law enforcement techniques that are necessary to curb the power of the cartels, but doing so in a way that’s consistent with human rights.”³³ During the summit, President Obama, President Calderón, and Canadian Prime Minister

³⁰ U.S. Department of State, Secretary of State Hillary Rodham Clinton, “Remarks with Mexican Foreign Secretary Patricia Espinosa After Their Meeting,” Mexico City, Mexico, March 25, 2009.

³¹ Mark Lander, “Clinton Says Demand for Illegal Drugs in the U.S. ‘Fuels the Drug Trade’ in Mexico,” *New York Times*, March 26, 2009.

³² “President Obama and Mexican President Felipe Calderón Hold News Conference,” *CQ Newsmaker Transcripts*, April 16, 2009.

³³ U.S. Department of State, “Press Release: North American Leaders Discuss Trade, H1N1 Flu, Climate Change,” (continued...)

Harper pledged to work together to restore economic growth in North America, combat climate change, and prepare for the fall flu season.

U.S. Assistance to Mexico

Mexico, a middle income country, traditionally has not been a major recipient of U.S. foreign assistance, but this changed in FY2008 with congressional approval of the Administration's request for funding to support the Mérida Initiative (see "Mérida Initiative" section below). Because of the Mérida Initiative funding, U.S. assistance to Mexico rose from \$65 million in FY2007 to almost \$406 million in FY2008. **Table 1** provides an overview of recent U.S. assistance to Mexico funded through State Department aid accounts, while **Table 2** provides a breakdown of Mérida assistance by account. Aside from Mérida-related funding, Mexico receives development assistance aimed at reducing poverty and inequality and helping the Mexican economy benefit from the North American Free Trade Agreement. Mexico also benefits from military training programs funded through the State Department's International Military Education and Training Account (IMET), as well as counter-terrorism assistance provided through the Non-proliferation, Anti-terrorism and Related Programs (NADR) account.

Table 1. U.S. Assistance to Mexico by Account, FY2007-FY2010

U.S. \$ millions

Account	FY2007	FY2008 ^a	FY2009 Regular (Est.) ^a	FY2009 Supp.	FY2009 Total	FY2010 (est.) ^b
CSH^c	3.7	2.7	2.9	—	2.9	n/a
DA	12.3	8.2	11.2	—	11.2	10.0
ESF	11.4	34.7	15.0	—	15.0	15.0
FMF	0.0	116.5	39.0	260.0	299.0	5.3
IMET	0.1	0.4	0.8	—	0.8	n/a
INCLE	36.7	242.1	294.0	160.0	454.0	190.0
NADR	1.3	1.4	3.9	—	3.9	n/a
TOTAL	65.4	405.9	366.88	420.0	786.8	n/a

Sources: U.S. Department of State, Congressional Budget Justification for Foreign Operations FY2008-FY2010, Joint Explanatory Statement to Division F, FY2010 Consolidated Appropriations Act (H.R. 3288/P.L. 111-117).

Notes: CSH= Child Survival and Health; DA=Development Assistance; ESF=Economic Support Fund; FMF=Foreign Military Financing; IMET=International Military Education and Training; INCLE=International Narcotics Control and Law Enforcement; NADR=Non-proliferation, Anti-terrorism and Related Programs.

a. FY2008 assistance includes funding from the Supplemental Appropriations Act, 2008 (P.L. 110-252). FY2009 assistance includes FY2009 bridge funding from the Supplemental Appropriations Act, 2008 (P.L. 110-252).

(...continued)

August 10, 2009.

- b. FY2010 appropriations levels will not be available until the U.S. Department of State's FY2011 Congressional Budget Justification for Foreign Operations is released.
- c. Beginning with the FY2010 request, the Child Survival and Health Account became known as Global Health and Child Survival—USAID.

On February 1, 2010, the Obama Administration submitted its FY2011 budget request to Congress. Although the complete budget request breakdown for Mexico will not be available until the State Department releases its FY2011 Congressional Budget Justification for Foreign Operations, the President's budget request to Congress shows that the Administration is requesting at least \$341 million in total assistance to Mexico. This includes \$310 million in assistance accounts that have funded the Mérida Initiative: \$292 million in INCLE, \$8 million in FMF, and \$10 million in ESF.

Bilateral Cooperation on Counternarcotics and Security Efforts

In the 1980s and 1990s, U.S.-Mexican counternarcotics efforts were often marked by mistrust. Beginning in 1986, when the U.S. President was required to certify whether drug-producing countries and drug-transit countries were cooperating fully with the United States, Mexico often was criticized for its lack of efforts, which in turn led to Mexican government criticism of the U.S. assessment. Reforms to the U.S. drug certification process enacted in September 2002 (P.L. 107-228) essentially eliminated the annual drug certification requirement, and instead required the President to designate and withhold assistance from countries that had "failed demonstrably" to make substantial counternarcotics efforts.³⁴ In the aftermath of these reforms, U.S. bilateral cooperation with Mexico on counternarcotics efforts improved considerably during the Fox administration (2000-2006), and as described above, combating DTOs has become a priority of the current Calderón administration.

Until 2006, Mexico refused to extradite criminals facing the possibility of life without parole to the United States. However, two decisions by the Mexican Supreme Court facilitated extraditions to the United States. In November 2005, in a partial reversal of its October 2001 ruling, the Court found that life imprisonment without the possibility of parole is not cruel and unusual punishment. Then the Court ruled in January 2006 that U.S. extradition requests only need to meet the requirements of the 1978 bilateral extradition treaty, not Mexico's general law on international extradition that was promulgated in 1975.³⁵ That decision made the extradition process easier. President Calderón has used extradition as a major tool to combat drug traffickers. Extraditions from Mexico rose from 41 in 2005 to a record 107 in 2009.

The State Department's 2009 INCSR maintains that the degree of U.S.-Mexican cooperation on counternarcotics and law enforcement under the Calderón Administration is unprecedented, and characterizes President Calderón's efforts to deal with increased violence stemming from the drug cartels as courageous. In 2008, Mexican law enforcement seized over 19 metric tons (mt) of

³⁴ See CRS Report 98-174, *Mexican Drug Certification Issues: U.S. Congressional Action, 1986-2002*, by K. Larry Storrs.

³⁵ Jesus Aranda, "Allana la Corte el Camino para Extraditar a Connacionales a EU," *La Jornada*, February 1, 2006; "Mexico: Court Clears Way for Faster Extraditions to U.S.," *Latin American Weekly Report*, February 7, 2006; and, U.S. Department of State, *INCSR 2006*.

cocaine, down from 48 mt in 2007, while seizures of cannabis, and heroin were also down significantly. In the report, U.S. law enforcement agencies attribute the recent reductions in seizures to better Mexican enforcement, which has forced traffickers to seek alternative routes. The decline in methamphetamine seizures is attributed to the government's actions to restrict the importation of precursor chemicals used for the production of the drug.

Mérida Initiative³⁶

The United States and Mexico issued a joint statement on October 22, 2007, announcing a multi-year plan for \$1.4 billion in U.S. assistance to Mexico and Central America to combat drug trafficking and other criminal organizations. The Mérida Initiative, named for the location of a March 2007 meeting between Presidents Bush and Calderón, expands bilateral and regional cooperation to combat organized crime, DTOs, and criminal gangs. The stated objective of the Mérida Initiative, according to the U.S. and Mexican government joint statement, is to maximize the effectiveness of efforts against drug, human, and weapons trafficking.³⁷ The Bush Administration first requested funds for Mérida, \$500 million for Mexico and \$50 million for Central America, in its FY2008 supplemental appropriations request.

Table 2. FY2008 – FY2010 Mérida Funding for Mexico by Aid Account and Appropriations Measure

(\$ in millions)

Account	FY2008 Supp. (P.L. 110-252)	FY2009 Bridge (P.L. 110- 252)	FY2009 (P.L. 111- 8)	FY2009 Supp. (P.L. 111- 32)	FY2010 P.L. 111- 117)	Account Totals
ESF	20.0	0.0	15.0	0.0	15.0	50.0
INCLE	215.5	48.0	246.0	160.0	190.0	859.5
FMF	116.5	0.0	39.0	260.0	5.3	420.8
Total	352.0	48.0	300.0	420.0	210.3	1,330.3

Sources: U.S. Department of State, FY2008 Supplemental Appropriations Spending Plan; FY2009 Appropriations Spending Plan, and FY2009 Supplemental Spending Plan; FY2010 Consolidated Appropriations Act (P.L. 111-117).

Notes: ESF=Economic Support Fund; FMF=Foreign Military Financing; INCLE=International Narcotics Control and Law Enforcement.

To date, Congress has appropriated a total of \$1.1 billion for Mexico under the Mérida Initiative. Legislative action on Mérida appropriations has included the following:

- In June 2008, the 110th Congress appropriated \$352 million in FY2008 supplemental assistance and \$48 million in FY2009 bridge fund supplemental assistance for Mexico in P.L. 110-252, the FY2008 Supplemental Appropriations

³⁶ For more information, see CRS Report RS22837, *Mérida Initiative: U.S. Anticrime and Counterdrug Assistance for Mexico and Central America*, by Clare Ribando Seelke.

³⁷ U.S. Department of State and Government of Mexico, "Joint Statement on the Mérida Initiative," October 22, 2007.

Act. Congress divided the funding for Mexico in P.L. 110-252 between the International Narcotics Control and Law Enforcement (INCLE), Foreign Military Financing (FMF), and Economic Support Fund (ESF) aid accounts. Congress limited the amount of FMF and INCLE available to provide equipment to the Mexican military and made 15% of FMF and IMET contingent on meeting certain human rights conditions.³⁸ Congress also earmarked \$73.5 million for judicial reform, institution building, rule of law, and anti-corruption activities.

- In March 2009, the 111th Congress passed the Omnibus Appropriations Act, (P.L. 111-8) providing \$300 million for Mexico within the INCLE, ESF, and FMF accounts with not less than \$75 million for judicial reform, institution building, anti-corruption, and rule of law activities. The measure continues human rights conditions similar to those set forth in P.L. 110-252.³⁹
- In June 2009, the 111th Congress passed the FY2009 supplemental appropriations measure, P.L. 111-32, which includes \$160 million in INCLE assistance and \$260 million in FMF for Mexico, \$354 million more than the Administration's request. The \$160 million in INCLE funds can be used to supply the Mexican federal police with items such as fixed and rotary wing aircraft (including three requested Blackhawk helicopters). The \$260 million in FMF funding is for expedited aviation assistance to the Mexican Navy (SEMAR) to enhance air transport ability and aerial surveillance. While the INCLE funds provided by P.L. 111-32 are subject to the same human rights conditions as in P.L. 111-8, the FMF funds provided are not subject to human rights conditions.
- On December 13, 2009, Congress passed the FY2010 Consolidated Appropriations Act (H.R. 3288/P.L. 111-117), which allows for \$210.3 million for Mexico in the INCLE, ESF, and FMF accounts subject to the same human rights conditions as P.L. 111-8. While Congress provided less funding for Mérida-related programs in Mexico and Central America than the Administration's FY2010 request, Congress had appropriated significantly more for Mexico than requested in the FY2009 supplemental spending measure, and considered \$254 million of this as forward funding of FY2010.⁴⁰

³⁸ Human rights conditions for Mexico in P.L. 110-252 include (1) improving transparency and accountability of federal police forces; (2) establishing a mechanism to conduct regular consultations among relevant Mexican government authorities, Mexican human rights organizations, and other relevant Mexican civil society organizations, to make consultations concerning implementation of the Mérida Initiative in accordance with Mexican and international law; (3) ensuring that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the federal police and military forces who have been credibly alleged to have committed violations of human rights, and the federal police and military forces are fully cooperating with the investigations; and (4) enforcing the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

³⁹ P.L. 111-8 also has a provision requiring that prior to the procurement or lease of aircraft, that the Director of the Defense Security Cooperation Agency, in consultation with the Secretary of State, shall submit to the Committees on Appropriations an analysis of alternatives for the acquisition of all aircraft for the Merida Initiative.

⁴⁰ In the Joint Explanatory Statement to P.L. 111-117, the conferees direct the Secretary of State to submit a report to within 90 days of the enactment of the Act addressing how prior Mérida funds have been used, progress to date, any planned adjustments in the uses of funds, and post-Mérida plans.

The August 2009 submission of the State Department's human rights progress report for Mexico met the statutory requirement for the release of the FY2008 supplemental and FY2009 regular FMF and IMET funds that had been on hold. Those funds totaled roughly \$88.5 million.

Congress has expressed concerns about the slow implementation of the Mérida Initiative. On December 3, 2009, the Government Accountability Office (GAO) issued a preliminary report for Congress on the status of funding for the Mérida Initiative. By the end of September 2009, GAO found that \$830 million of the \$1.3 billion in Mérida funds appropriated for Mexico and Central America had been obligated by the State Department, but only \$26 million of the funds had actually been spent.⁴¹

State Department officials in Mexico City have reported significant progress in Mérida implementation since the GAO reporting period ended. According to an equipment report provided by State Department officials, roughly \$77.2 million worth of equipment was delivered to Mexico by the end of December 2009, including 30 ion scanners and five Bell helicopters for the Mexican Army. Another \$135.5 million in equipment is scheduled to be delivered by June 2010, including a \$50 million CASA surveillance aircraft for the Mexican Navy and three UH-60 helicopters for the SSP. With respect to Mérida-funded training programs, 42% of training projects were reported to have achieved "significant progress" in implementation by mid-November 2009, including those involving police professionalization and continuing education, prison reform, prosecutorial capacity building, and human rights training programs.⁴²

Department of Defense Assistance to Mexico

Apart from the Mérida Initiative, the U.S. Department of Defense (DOD) provided a \$13 million counterterrorism training and equipment package to the Mexican military in FY2008.⁴³ In addition, while DOD only provided some \$3.1 million in CN training assistance to Mexico in FY2008, DOD assistance expanded to roughly \$28.2 million in FY2009 in order to complement Mérida programs.⁴⁴ On December 16, 2009, Congress appropriated an additional \$50 million in funding for counternarcotics communication equipment for Mexico in the FY2010 Department of Defense Appropriations Act (H.R. 3326/P.L. 111-118).⁴⁵

⁴¹ U.S. Government Accountability Office (GAO), "Status of Funds for the Mérida Initiative," December 3, 2009, GAO 10-253R, available at: <http://www.gao.gov/products/GAO-10-253R>.

⁴² Government of Mexico, Technical Secretariat of the National Security Council, Implementation Tracking System of Merida Initiative Projects, November 20, 2009.

⁴³ In the FY2006-FY2008 annual Department of Defense (DOD) authorization bills, Congress provided DOD with authority to train and equip foreign military forces to perform counterterrorism operations. This "Section 1206" authority, as it is known, enables DOD to use defense funds to conduct or support train and equip programs such as those usually provided under State Department security assistance authorities and budgets. U.S. Department of Defense, "Section 1206 Programs Fact Sheet," July 29, 2009.

⁴⁴ Section 1022 of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181) extends Section 1033(b) of the National Defense Authorization Act for Fiscal Year 1998 to make available train and equip authorities to Mexico. Estimates of DOD CN support to Mexico for FY2008 and FY2009 are from U.S. Department of Defense, "Fact Sheet: Current DOD CN Support to Mexico," July 2009.

⁴⁵ Funding for this equipment is listed as "Digital Communications Equipment" on p.352 of the Joint Explanatory Statement for the FY2010 Defense Appropriations Act (H.R. 3326/P.L.-111-118).

Related Security Cooperation with Mexico

In March 2009, Secretary of Homeland Security Janet Napolitano announced a set of Southwest border initiatives aimed at (1) guarding against violent crime spillover into the United States; (2) supporting Mexico's crackdown campaign against drug cartels in Mexico; and (3) reducing the movement of contraband in both directions across the border.⁴⁶

Components of the Department of Homeland Security are providing significant assistance to advance those aims. Immigration and Customs Enforcement (ICE) has created a dozen Border Enforcement Security Taskforces (BESTs) since 2006, including eight on the U.S. southwest border. The taskforces serve as platforms for cooperation among local, state, and federal agencies as well as a point of cooperation with Mexico's Secretary of Public Security (SSP). ICE has also coordinated the establishment of Special Investigative Units in Mexico that work with ICE special agents on criminal investigations and prosecutions in such areas as money laundering, human trafficking, and alien smuggling. DHS components such as ICE, Customs and Border Protection (CBP), and the U.S. Coast Guard have longstanding relationships with their Mexican counterparts to jointly disrupt the activities of drug trafficking organizations.

In late March 2009, the Department of Justice (DOJ) announced increased efforts to combat Mexican drug cartels in the United States and to help Mexican law enforcement battle the cartels in their own country. Deputy Attorney General David Ogden is leading a Mexican Cartel Strategy that uses federal prosecutor-led task forces that bring together all law enforcement components to identify and dismantle the cartels through investigation, prosecution, and extradition of their key leaders and facilitators. Department of Justice components involved in the increased efforts include the FBI, Drug Enforcement Administration (DEA), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), U.S. Marshals Service (USM), and the Department's Criminal Division and the Office of Justice Programs.⁴⁷ On August 20, 2009, U.S. Attorney General Holder announced indictments against 43 Mexican drug dealers accused of exporting narcotics into the United States and distributing them in U.S. cities. He praised Mexico-U.S. cooperation in the investigations that led to those indictments. On October 22-23, 2009, agents from several U.S. federal agencies, as well as state and local police, engaged in a joint operation in 38 U.S. cities against La Familia Michoacana. The raid resulted in 300 arrests.

ATF has begun a new intelligence-driven effort known as Gunrunner Impact Teams (GRITs), deployed eTrace firearms tracking technology to Mexico, and beefed up its Project Gunrunner program as a part of its efforts to stop the flow of guns into Mexico. (For more see "Weapons Trafficking" section below).

DEA has worked with the Mexican government for decades and has 11 offices in the country. The agency is increasing its agents allocated to the Southwest border field divisions and is forming mobile teams to target Mexican methamphetamine trafficking operations. DEA's cooperation with

⁴⁶ U.S. Department of Homeland Security, "Press Release: Secretary Napolitano Announces Major Southwest Border Security Initiative," March 24, 2009.

⁴⁷ U.S. Department of Justice, "Department of Justice Announces Resources for Fight against Mexican Drug Cartels," Fact Sheet, March 24, 2009; and "Fact Sheet: Department of Justice Efforts to Combat Mexican Drug Cartels," *US Fed News*, April 4, 2009.

Mexico has included Project Reckoning targeting the Gulf Cartel and Operation Xcellerator targeting the Sinaloa Cartel. DEA also is the lead agency at the El Paso Intelligence Center (EPIC), a national tactical intelligence center that emphasizes law enforcement efforts on the Southwest border.

In July 2009, the U.S. Treasury Department designated four drug cartel leaders of the Gulf Cartel and Los Zetas as Specially Designated Narcotics Traffickers pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act), thereby imposing U.S. economic sanctions on those individuals.

Money Laundering and Bulk Cash Smuggling

Interrupting the flow of money from drug sales in the United States to Mexico, estimated to range from \$15 billion to \$25 billion annually,⁴⁸ may be one of the most effective ways to disrupt the activities of the Mexican DTOs. A portion of this money is used to buy weapons in the United States to arm the DTOs and their drug enforcers. Other drug proceeds are used to corrupt law enforcement and public officials, enabling the DTOs to continue to operate with impunity. Some analysts suggest that the U.S. Treasury is doing a good job of making it difficult to launder money within financial institutions. Therefore, the preferred mode to transfer drug proceeds by the Mexican DTOs is through shipments of bulk cash.⁴⁹

In order to address the problem of bulk cash smuggling, the DEA has carried out bulk cash seizures with the FBI, ICE, and Customs and Border Protection (CBP). In 2005, ICE and CBP launched a program known as “Operation Firewall,” which resulted in increased operations against bulk cash smuggling in the U.S.-Mexico border region. Since 2005, Operation Firewall has resulted in 583 arrests and the seizure of more than \$282 million.⁵⁰ Many operations have been carried out in coordination with Mexican customs and the Mexican money laundering vetted unit. In 2008, ICE created a Trade Transparency Unit (TTU) in Mexico. Mexican TTU representatives are receiving training and technical support from ICE officials in how to identify cross-border trade anomalies that could be indicative of bulk cash smuggling.

Precursor Chemicals

Reducing the trafficking of chemicals necessary for drug manufacture is addressed in the Mérida Initiative joint statement. The recent NDIC report of the U.S. Department of Justice credits Mexico’s recently established import restrictions on products containing methamphetamine precursors with reducing Mexican methamphetamine shipments to the United States in 2007 and 2008.⁵¹ Strong bilateral cooperation between the United States and Mexico has resulted in large

⁴⁸ Woodrow Wilson International Center for Scholars Mexico Institute, *The United States and Mexico: Towards a Strategic Partnership*, January 2009.

⁴⁹ Testimony of Andrew Selee, Director of the Mexico Institute, Woodrow Wilson Center before the House Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform, March 12, 2009.

⁵⁰ U.S. Department of Homeland Security, Statement of John T. Morton, Assistant Secretary, ICE, before the House Appropriations Subcommittee on Homeland Security, November 19, 2009.

⁵¹ National Drug Intelligence Center, *National Drug Threat Assessment 2009*, U.S. Department of Justice, Product (continued...)

drug seizures including the shutting down of five “super” methamphetamine laboratories in Mexico in 2008 according to the Department of State’s 2009 International Narcotics Control Strategy Report.

Weapons Trafficking⁵²

In recent years, Mexican drug traffickers and enforcer gangs have increasingly relied on military-style firearms, a large percentage of which are purchased in the United States. The cartels often obtain their weapons through “straw purchases,” whereby people who are legally qualified buy the weapons from licensed gun dealers or at gun shows in border states and sell them to smugglers who take them across the border. In November 2008, the Mexican government made the largest seizure of drug-cartel weapons in Mexican history when it found a cache of 540 rifles, 15 grenades, 500,000 rounds of ammunition, and 14 sticks of TNT at a house in the border town of Reynosa, Mexico.⁵³

In FY2004, ATF began a Southwest border initiative dubbed Project Gunrunner that aims to deny firearms to criminal organizations in Mexico, and to combat firearms-related violence affecting communities on both sides of the border.⁵⁴ The number of ATF personnel dedicated to Project Gunrunner has increased from around 100 special agents and 25 industry operations investigators in FY2007, to some 148 special agents and 59 industry operations investigators in March 2009.⁵⁵ From FY2004 through June 2009, ATF referred 415 cases of firearms trafficking for prosecution involving more than 1,135 defendants and almost 13,382 guns.⁵⁶ The 111th Congress has appropriated additional funding to support Project Gunrunner: \$10 million in the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), \$5 million in the FY2009 Omnibus Appropriations Act (P.L. 111-8), and \$6 million in the FY2009 Supplemental Appropriations Act (P.L. 111-32).

In addition to these efforts in the United States, under the Mérida Initiative, ATF received \$4.5 million for the deployment of eTrace technology to U.S. Consulates in Mexico to combat arms trafficking.⁵⁷ In FY2008, Mexico submitted more than 7,500 recovered guns for tracing, showing

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2008-Q0317-005, December 2008.

⁵² For more information, see CRS Report R40733, *Gun Trafficking and the Southwest Border*, by Vivian S. Chu and William J. Krouse.

⁵³ “Mexico: Army Seizes Huge Weapons Cache,” *Los Angeles Times*, November 8, 2008.

⁵⁴ For background on ATF funding and Project Gunrunner, see CRS Report RL34514, *The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): Budget and Operations*, by William J. Krouse.

⁵⁵ U.S. Embassy, Mexico, “Border and Law Enforcement, Project Gunrunner,” ATF Factsheet, available at <http://www.usembassy-mexico.gov/eng/texts/et080116eTrace.html>; and Department of Justice, Statement of William Hoover, Assistant Director for Field Operations, ATF, and Anthony P. Placido, Assistant Administrator for Intelligence Division, DEA, before Senate Committee on the Judiciary, Subcommittee on Crime and Drugs, March 17, 2009.

⁵⁶ DOJ, Statement of Anthony P. Placido, Assistant Administrator for Intelligence Division, DEA, and Bill McMahon, Deputy Assistant Director, ATF, before the House Homeland Security Committee, Subcommittee on Border, Maritime, and Global Counterterrorism, July 16, 2009.

⁵⁷ U.S. Department of Justice, “Statement of Joseph M. Arabit, Special Agent in Charge, El Paso Division, Drug Enforcement Administration, and William McMahon, Deputy Assistant Director, Field Operations, ATF,” before the Senate Committee on Foreign Relations, March 30, 2009.

that most originated in Texas, Arizona, and California. Roughly 93% of those firearms were either made in, or imported to, the United States.⁵⁸

The Department of Homeland Security (DHS), especially ICE and CBP are also involved in taking action to stop the southbound flow of weapons to Mexico. Both ICE and CBP have the authority to enforce export provisions of the Arms Exports Control Act. In collaboration with Mexican law enforcement authorities, ICE launched a new bilateral program against weapons smuggling in June 2008 known as Operation *Armas Cruzadas*. Among other activities, the program involves intelligence sharing and joint law enforcement efforts with vetted Mexican units. As DHS reported in March 2009, the operation has resulted in more than 100 criminal arrests, 42 convictions, and the seizure of more than 400 weapons.⁵⁹

On June 18, 2009, the Government Accountability Office (GAO) released a report identifying some problems that exist in the information-gathering and coordination efforts of U.S. agencies charged with combating arms trafficking to Mexico, namely ATF within DOJ and ICE within DHS.⁶⁰ The two agencies have since signed an updated agreement on how to coordinate their Southwest border gun trafficking programs. Further, on August 13, 2009, DHS and DOJ, along with Mexico, signed a letter of intent to develop a coordinated, bilateral arms trafficking strategy, another recommendation suggested in the GAO report.

Mexico, for its part, began a pilot program in February 2009 to screen incoming traffic to look for guns, bulk cash, and other contraband, and is expanding the program across the entire border. On August 16, 2009, the Mexican government replaced all of the customs inspectors posted at the country's airports and border crossings with 1,454 new, better-trained inspectors. Those inspectors are now using non-intrusive inspection equipment provided through the Merida Initiative to check vehicles entering Mexico for arms and cash smuggled from the United States.

In light of intensified U.S. efforts to curb weapons trafficking to Mexico, some advocates have called for the U.S. Senate to act on a pending treaty, the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA).⁶¹ The treaty, which was signed by the United States in 1997 entered into force in July 1998, was submitted to the Senate for its advice and consent in June 1998.⁶² President Obama called for congressional action on CIFTA while in Mexico in April 2009.

⁵⁸ U.S. Department of Justice, "Department of Justice Announces Resources for Fight against Mexican Drug Cartels," Fact Sheet, March 24, 2009.

⁵⁹ U.S. Department of Homeland Security, "Statement of Mark Koumans, Deputy Assistant Secretary, Office of International Affairs," before House Committee on Appropriations, Subcommittee on Homeland Security, March 10, 2009.

⁶⁰ U.S. GAO, "U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges," GAO-09-709, June 2009.

⁶¹ Peter DeShazo and Johnna Mendelson Forman, "A treaty that can help stem drug violence in Mexico," *Washington Times*, February 24, 2009.

⁶² U.S. Department of State, The Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials," Fact Sheet, March 25, 2009

Human Smuggling

The Operation Against Smuggling Initiative on Safety and Security (OASISS) is a bilateral effort begun in August 2005 to combat human smuggling. The program, spearheaded by ICE and several Mexican agencies, was initially limited to the area between San Diego, California and Yuma, Arizona, but was extended to El Paso, Texas in April 2006. In August 2007, the United States and Mexico agreed to extend the program to the Mexican state of Coahuila and the area between El Paso and Eagle Pass, Texas. The program assists both the Mexican and U.S. governments in the prosecution of alien smugglers and human traffickers along the southwest border. According to DHS, with funding from the Mérida Initiative, Mexico intends to implement the program across the entire United States-Mexico border.⁶³

Human Rights Issues

According to the State Department's human rights report covering 2008, the Mexican government generally respected human rights at the national level by investigating, prosecuting, and sentencing public officials and members of the security forces accused of abuses, but serious problems remained. These included unlawful killing by security forces; kidnappings; physical abuse; poor and overcrowded prison conditions; arbitrary arrests and detention; corruption, inefficiency and lack of transparency in the judicial system; confessions coerced through torture; criminal intimidation of journalists leading to self-censorship; impunity and corruption at all levels of government; domestic violence against women; trafficking in persons; social and economic discrimination against some members of the indigenous population; and child labor.

The State Department report maintained that neither the government nor its forces committed any politically motivated killings, but that there were reports that security forces killed several people during the year in various cases. The report asserted that cruel treatment and physical abuse of security forces, especially at the state and local level, remained a serious problem. Corruption was reported to be a major problem, particularly at the state and local level, with police involved in kidnapping, extortion, or providing protection for organized crime and drug traffickers. Impunity was pervasive, according to the report, and was a reason that many victims were reluctant to file complaints.

In the case of the American journalist Bradley Will, who was shot and killed while covering a protest in Oaxaca in 2006, the State Department report noted that Mexico's National Human Rights Commission (CNDH) issued a report in September 2008 criticizing the federal and Oaxacan state investigations into the killing and implicating Oaxacan state officials. In October 2008, the government arrested Juan Manuel Martínez, an antigovernment protestor, for the killing, maintaining that Will was shot at close range. Human rights groups and the CNDH

⁶³ House Committee on Appropriations, Subcommittee on Homeland Security, Statement of Mark Koumans, Deputy y Assistant Secretary, Office of International Affairs, at hearing on "DHS Security Response to Violence on the Border with Mexico," March 10, 2009.

maintain that Will was shot at a distance.⁶⁴ Human rights lawyers are arguing for Mr. Martínez's release, asserting that the Attorney General lacks evidence against him.⁶⁵

On August 9, 2009, Mexico's Supreme Court rejected an appeal by a human rights organization challenging the Mexican military's assertion of jurisdiction in cases involving allegations of human rights abuses committed by soldiers against civilians. In its 2010 human rights report, the New York-based Human Rights Watch highlighted human rights abuses by military forces and impunity in the military justice system as major issues that have yet to be addressed by the Calderón government. In early December 2009, Amnesty International released a new report on alleged cases of human rights abuses committed by Mexican military forces engaged in counterdrug efforts that occurred between October 2008 and August 2009.⁶⁶

Compliance with Human Rights Conditions in the Mérida Initiative

Human rights organizations generally lauded the inclusion of human rights conditions in Mérida Initiative appropriations legislation. More recently, however, there have been concerns that Mexico has not been fulfilling the conditions set forth in the legislation. In particular, Mexican and international human rights groups have criticized the Mexican government for failing to hold military and police officials accountable for past abuses.⁶⁷ On July 13, 2009, Human Rights Watch issued a statement asserting that "Mexican military courts ... have not convicted a single member of the military accused of committing a serious human rights violation."⁶⁸ The head of the Mexican military's human rights office held a press conference on July 23, 2009, to dispute those assertions, but reportedly did not provide details on particular cases that had been successfully prosecuted in the military justice system.⁶⁹ In late July, a coalition of U.S. and Mexican human rights groups sent a letter to the State Department urging it not to issue a favorable report on the Mexican government's human rights record.⁷⁰

On August 13, 2009, the State Department submitted its human rights progress report for Mexico to Congress, thereby meeting the statutory requirements for FY2008 supplemental and FY2009 regular funds that had been on hold to be released. While acknowledging that serious problems remain, the report outlines steps that the Mexican government has made to improve police transparency and accountability, consult with Mexican human rights organizations and civil society on the Mérida Initiative, investigate and prosecute allegations of human rights abuses by security forces, and prohibit the use of torture. The report acknowledges that human rights

⁶⁴ Elisabeth Malkin, "Mexico Says U.S. Journalist Was Killed by a Protester," *New York Times*, October 18, 2008.

⁶⁵ Their concerns are summarized in: Physicians for Human Rights, "México Presenta Teoría Inconsistente en la Muerte de Periodista Norteamericano," February 4, 2009.

⁶⁶ Amnesty International, "Mexico: New Reports of Human Rights Violations by Military," December 2009.

⁶⁷ See, for example, Human Rights Watch, "Uniform Impunity, Mexico's Misuse of Military Justice to Prosecute Abuses in Counternarcotics and Public Security Operations," April 2009, available at <http://www.hrw.org/en/news/2009/04/29/mexico-hold-military-account-rights-abuses>.

⁶⁸ Human Rights Watch, "Mexico: U.S. Should Withhold Military Aid: Rights Conditions in Merida Initiative Remain Unmet," July 13, 2009, available at: <http://www.hrw.org/en/news/2009/07/13/mexico-us-should-withhold-military-aid>.

⁶⁹ Booth and Fainaru, August 5, 2009.

⁷⁰ Letter from Amnesty International and Other Human Rights Groups to Secretary of State Hillary Clinton, "Human Rights Concerns to Inform the U.S. Department of State's Merida Initiative Reporting on Mexico, July 24, 2009.

complaints against the Mexican military have “increased almost six-fold” since the beginning of the Calderón government. It also states that “the opaqueness of the [Mexican] military court system makes it difficult to analyze the nature and type of complaints filed, the status of cases against members of the military alleged to have violated human rights, or the results of the military prosecution.”⁷¹ Human rights groups have criticized the State Department report, and the release of Mérida funds that were on hold.⁷²

Accountability for Abuses Committed During the “Dirty War” Period

During his administration, President Fox pledged to investigate and prosecute those responsible for past human rights violations, including the “Dirty War” period from the 1960s to 1980s. The CNDH presented a report to President Fox in November 2001 that documented human rights abuses and disappearances of persons in the 1970s and early 1980s, and President Fox named legal scholar Ignacio Carrillo in January 2002 as a Special Prosecutor to investigate these and other cases. In November 2006, Ignacio Carrillo presented his final report on the repressive era from the late 1960s to 1982. The report found that the repression was a matter of state policy and led to the summary execution of over 700 Mexicans, torture, and the razing of villages.

The report was praised by some as an acknowledgment of state responsibility. Others remain critical since no one has been convicted of charges relating to these alleged crimes. Only one of the three presidents from this period, Luis Echeverría (1970-1976), is still alive. President Echeverría faced genocide charges for his role in the repression of a 1968 student protest that left dozens dead when he was interior minister. Echeverría tried to evade prosecution by claiming the 30-year statute of limitations had expired. A judge rejected this argument and reinstated the arrest order in November 2006 after he determined that the statute of limitations did not go into effect until Echeverría left public office in December 1976. In July 2007, the Criminal Tribunal absolved Echeverría of any responsibility for the 1968 killings. This ruling was upheld by a Mexican federal court in March 2009, and was criticized by human rights organizations. Amnesty International maintains that the Mexican government is effectively condoning the abuses of the past by not effectively prosecuting past human rights cases.⁷³

Migration

Widely cited demographers at the Pew Hispanic Center estimate that there were 7 million undocumented Mexican migrants residing in the United States as of March 2008, accounting for almost 59% of the total estimated illegal alien population of 11.9 million.⁷⁴ Mexico takes the view that the migrants are “undocumented workers,” making the point that since the U.S. market attracts and provides employment for the migrants, it bears some responsibility. Mexico regularly voices concern about alleged abuses suffered by Mexican workers in the United States, and for

⁷¹ U.S. Department of State, “Mexico- Merida Initiative Report,” August 2009.

⁷² Fundar et al., “Obama Administration’s Alleged Release of Mérida Funds: A Violation of U.S. Law That Will Encourage Serious Human Rights Violations in Mexico,” August 2009.

⁷³ “Mexico: Hopes of Justice Vanish,” Amnesty International, March 27, 2009.

⁷⁴ Pew Hispanic Center, *Trends in Undocumented Immigration: Undocumented Inflow Now Trails Legal Inflow*, by Jeffrey Passel and D’Vera Cohn, October 2, 2008.

the loss of life and hardships suffered by Mexican migrants as they utilize increasingly dangerous routes and methods to circumvent tighter border controls. However, Mexico benefits from illegal migration in at least two ways: (1) it is a “safety valve” that dissipates the political discontent that could arise from higher unemployment in Mexico, and (2) it is a source of remittances by workers in the United States to families in Mexico.

In February 2006, the Mexican Congress approved a concurrent resolution on migration and border security calling for the development of a guest worker program in the United States under the principle of shared responsibility. The resolution commits Mexico to enforcing legal emigration “if a guest country offers a sufficient number of appropriate visas.”⁷⁵ In the resolution, Mexico also accepts the need to revisit its migration policies to consider enforcement of its northern and southern borders, enforcement of Mexican immigration laws that respect the human rights of migrants, and the need to combat human trafficking. The Mexican government further acknowledges that Mexican workers will continue to emigrate until there are more opportunities in Mexico. The February 2006 resolution remains the most detailed explanation to date of the major principles behind Mexico’s policy on immigration.

The U.S. Congress last enacted major immigration reform in 1986 and 1996. Main provisions of the Immigration Reform and Control Act of 1986 (P.L. 99-603) included civil and criminal penalties for U.S. employers who knowingly hire undocumented workers; increased border control and enforcement measures; anti-discrimination safeguards; provision for legalization of illegal aliens who resided continuously in the United States before 1982; and a special legalization for farm workers previously employed on American farms. In 1996, two laws relating to immigration were enacted, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA, P.L. 104-208) and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193). The first measure sought to control illegal immigration by adding 1,000 Border Patrol agents per year for five years (FY1997-FY2001), along with additional personnel, equipment, and procedures. The IIRIRA increased penalties for unlawful presence and created the expedited removal program.⁷⁶ Individuals who depart the United States after more than 180 days of unlawful presence now face either a three or 10-year bar to admission to the United States, depending on the total period of unlawful presence.

In the 110th Congress, the U.S. Senate voted against cloture on the Comprehensive Immigration Reform Act of 2007 (S. 1348) in June 2007, and the measure was not considered after that vote. The bill would have improved border security, established a temporary worker program, and normalized the status of most illegal immigrants in the United States. Mexico has long lobbied for such reforms. Immigration reform legislation also was introduced in the House of Representatives in March 2007. The House measure, the Security Through Regularized Immigration and Vibrant Economy Act of 2007 (H.R. 1645), would have set border and document security benchmarks to be met before normalizing the status of illegal immigrant or the creation of a guest worker program. A variety of other migration-related legislative initiatives were introduced in the 110th Congress, but none were enacted.⁷⁷

⁷⁵ “Mexico-U.S.: Migration and Border Security,” Embassy of Mexico, February 2006.

⁷⁶ For more information on expedited removal, see CRS Report RL33109, *Immigration Policy on Expedited Removal of Aliens*, by Alison Siskin and Ruth Ellen Wasem.

⁷⁷ For a brief history of U.S.-Mexican migration policies, see: Marc R. Rosenblum, “U.S.-Mexican Migration (continued...)”

It is unclear whether comprehensive immigration legislation will be considered in the 111th Congress.⁷⁸ During Secretary of State Clinton's March 2009 visit to Mexico, she maintained that "President Obama remains committed to comprehensive immigration reform" and that immigration reform "is and will be a high priority for him and his presidency." On June 25, 2009, President Obama and officials in his Administration met with Members of Congress from both parties on comprehensive immigration reform. During that meeting, he announced the formation of a high-level working group headed by DHS Secretary Napolitano to work with Members from the relevant House and Senate committees that will be drafting immigration legislation.⁷⁹ At the North American Leaders Summit in early August, President Obama acknowledged that since several of his other major legislative initiatives were still pending, immigration reform was unlikely to occur until early 2010.⁸⁰ A bill to enact comprehensive immigration reform was introduced on December 15, 2009, but few observers are predicting that it will be taken up prior to the 2010 mid-term elections.⁸¹

Cooperation in the Aftermath of the 2009 H1N1 "Swine Flu" Outbreak

On April 24, 2009, Mexico's Health Ministry announced that a new strain of influenza—subsequently dubbed pandemic H1N1 by the World Health Organization (WHO)—was affecting the country with just over 1,000 suspected cases and 20 deaths.⁸² In addition to closing all schools and public events through May 6, 2009, the Calderón government also ordered a May 1-5 work-stoppage around the country, with the exception of banks, hotels, supermarkets, and the government's emergency services. Although there were some inaccuracies in its initial reporting of the number of cases involved in the outbreak, the Mexican government has been praised for acting "swiftly, transparently, and efficaciously" to prevent the spread of H1N1.⁸³ In particular, the government has been recognized for its willingness to share information and work collaboratively with other countries (including the United States) to prevent and treat cases of H1N1, for launching a high-profile public awareness campaign about the virus, and for using isolation and quarantine to mitigate its spread.

In response to the outbreak in Mexico, the Centers for Disease Control and Prevention (CDC) issued a travel health warning, the agency's highest advisory level, on April 27, 2009

(...continued)

Cooperation: Obstacles and Opportunities," in *Migration, Trade and Development: Conference Proceedings*, Hollifield et al, eds., Federal Reserve Bank of Dallas, 2007.

⁷⁸ For more information, see: CRS Report R40501, *Immigration Reform Issues in the 111th Congress*, by Ruth Ellen Wasem.

⁷⁹ The White House, Office of the Press Secretary, "Remarks by the President After Meeting with Members of Congress to Discuss Immigration," June 25, 2009.

⁸⁰ Karoun Demirjian, "Obama Says Immigration Overhaul Will Slide Until 2010," *CQ Today*, August 11, 2009.

⁸¹ Seth Stern, "Immigration Advocates Push for Overhaul as a Step to Economic Recovery," *CQ*, January 26, 2010.

⁸² Secretaría de Salud (Mexico), "Conferencia de prensa," Número 2009-133c, April 24, 2009.

⁸³ Alexandra Stern and Howard Markel, "What Mexico Taught the World About Pandemic Influenza Preparedness and Community Mitigation Strategies," *Journal of the American Medical Association*, Vol. 32, No. 11, September 16, 2009.

recommending that U.S. citizens avoid all nonessential travel to Mexico. By May 15, however, the CDC downgraded the advisory to a travel health precaution that removed the recommendation that travel to Mexico be avoided.

The U.S. government responded to the H1N1 outbreak in Mexico by providing at least \$16 million in assistance, including a \$5 million donation to the WHO and PAHO. On April 29, 2009, Health and Human Services Secretary Kathleen Sebelius announced that her department had begun to move 400,000 antiviral drug treatment courses to Mexico—valued at \$10 million—to help slow the spread of the virus.⁸⁴ On May 2, 2009, the U.S. Agency for International Development (USAID) provided about \$1 million in emergency relief supplies to the government of Mexico. These supplies were in addition to a previous donation of \$1 million in emergency supplies provided by the U.S. military.⁸⁵ With international help from the CDC and others, Mexico was able to build a laboratory within record time that was able to process hundreds of tests for H1N1 daily.⁸⁶

Trade Issues⁸⁷

Trade between Mexico and the United States has grown dramatically since the North American Free Trade Agreement (NAFTA) between the United States, Mexico, and Canada entered into force in 1994.⁸⁸ Total U.S. trade with Mexico more than quadrupled from \$82 billion in 1993 to \$367 billion in 2008, but the balance of U.S. trade with Mexico has shifted from a surplus of \$1.3 billion in 1994 to a deficit of \$64.4 billion in 2008 (U.S. exports of \$151.5 billion; U.S. imports of \$215.9 billion).⁸⁹

The United States is Mexico's most important customer by far, receiving about 80% of Mexico's exports, including petroleum, automobiles, auto parts, and winter vegetables, and providing about 50% of Mexico's imports. The United States is the source of over 60% of foreign investment in Mexico, and the primary source of important tourism earnings. Mexico is also the leading country in Latin America in terms of U.S. investment, with the total stock of U.S. investment reaching more than \$120 billion in 2008.⁹⁰

While NAFTA has increased Mexican trade with the United States and contributed to rising foreign investment in the country, it has also increased Mexico's dependence on the U.S.

⁸⁴ U.S. Department of Health and Human Services, "HHS Deploys SNS Antivirals to Mexico, and Buys More," Press Release, April 29, 2009.

⁸⁵ Email from the U.S. Agency for International Development Mission in Mexico, August 28, 2009.

⁸⁶ William Booth and Joshua Partlow, "Mexico Raced to Build Flu Testing Laboratory; Lack of Tools Hindered Initial Response," *Washington Post*, May 8, 2009.

⁸⁷ For more information, see CRS Report RL32934, *U.S.-Mexico Economic Relations: Trends, Issues, and Implications*, by M. Angeles Villarreal.

⁸⁸ The NAFTA agreement was negotiated in 1991 and 1992, and side agreements on labor and environmental matters were completed in 1993. The agreements were approved by the respective legislatures in late 1993 and went into force on January 1, 1994. Under the agreements, trade and investment restrictions were eliminated over a 15-year period, with most restrictions eliminated in the early years of the agreement.

⁸⁹ U.S. Department of Commerce statistics, as presented by World Trade Atlas.

⁹⁰ U.S. Embassy in Mexico City, Mexico, "U.S.-Mexico at a Glance: Foreign Direct Investment," June 2009.

economy. In 2009, declining U.S. demand for Mexican exports, combined with a drop in tourism revenues and a record drop in remittances from Mexican workers in the United States, caused a dramatic downturn in the Mexican economy. Mexico's economy was among the poorest performing in Latin America this year, as the country's GDP contracted by almost 7%. Some have attributed the severity of the current crisis in Mexico to a lack of diversification in the country's export markets.⁹¹

Functioning of NAFTA Institutions

Several NAFTA institutions mandated by the agreements have been functioning since 1994. The tripartite Commission on Environmental Cooperation (CEC) was established in Montreal, Canada; and the Commission for Labor Cooperation (CLC) was established in Dallas, Texas. In addition, the bilateral Border Environment Cooperation Commission (BECC), located in Ciudad Juarez, Mexico; and the North American Development Bank (NADBank), headquartered in San Antonio, Texas, were created to promote and finance environment projects along the U.S.-Mexico border. Following up on a March 2002 agreement by Presidents Bush and Fox in Monterrey, Mexico, to broaden the mandate of the NADBank, Congress agreed in March 2004 to permit the NADBank to make grants and nonmarket rate loans for environmental infrastructure along the border. The NAFTA institutions have operated to encourage cooperation on trade, environmental and labor issues, and to consider nongovernmental petitions under the labor and environmental side agreements.

Trade Disputes

Outstanding trade disputes between the countries include access for Mexican trucks to operate in the United States and access for Mexican tuna to the U.S. market. A longstanding dispute involving sugar and high fructose corn syrup was resolved in 2006.⁹²

Trucking⁹³

Since 1995, the implementation of NAFTA trucking provisions has been in dispute. In March 2009, Congress included a provision in P.L. 111-8, the FY2009 Omnibus Appropriations Act, to terminate a pilot program that had allowed Mexican-registered trucks to operate beyond the 25-mile border commercial zone inside the United States. This move prompted retaliation from Mexico, which argued that the U.S. action was protectionist. Mexico imposed tariffs on over 90 U.S. agricultural and industrial products. The goods accounted for a value of \$2.4 billion in U.S. exports to Mexico in 2007, and most will now face Mexican import duties of between 10-20% of their value, although in the case of fresh grapes, a 45% duty was imposed.⁹⁴

⁹¹ "Mexico: No Help From NAFTA," *EIU – Business Latin America*, August 17, 2009.

⁹² For more information on recent trade disputes, see CRS Report RL32934, *U.S.-Mexico Economic Relations: Trends, Issues, and Implications*, by M. Angeles Villarreal.

⁹³ For further information, see CRS Report RL31738, *North American Free Trade Agreement (NAFTA) Implementation: The Future of Commercial Trucking Across the Mexican Border*, by John Frittelli

⁹⁴ Christopher Conkey, Jose de Cordoba, and Jim Carlton, "Mexico Issues Tariff List in U.S. Trucking Dispute," *Wall Street Journal*, March 19, 2009.

Obama Administration officials have repeatedly expressed confidence that a resolution to the current trucking dispute can be found that will satisfy congressional concerns about the safety of Mexican trucks, but still fulfill U.S. market access obligations under NAFTA. In March 2009, Secretary of State Clinton acknowledged that Mexico had the right to use remedies under NAFTA to impose tariffs on U.S. products, but maintained that neither the U.S. congressional action on Mexican trucking nor Mexico's retaliation were in the best interests of either country.⁹⁵

Transportation Secretary Ray LaHood submitted a set of principles on how to resolve the issue to the White House in May 2009. President Obama reiterated his commitment to resolving the issue to President Calderón at their August 9, 2009 meeting in Guadalajara, Mexico, but did not present a proposal.

While some Members of Congress favor the creation of a new pilot program with Mexico, others, though concerned about the effects of Mexican retaliatory tariffs on U.S. businesses, remain opposed to allowing Mexican trucks to operate in the United States.⁹⁶ In late July 2009, the Senate Appropriations Committee issued a report (S.Rept. 111-69) to the FY2010 Department of Transportation, Housing and Urban Development, and Related Agencies Appropriations measure (H.R. 3288) that includes non-binding language urging the Obama Administration to develop a cross-border trucking program that meets U.S. safety standards. The FY2010 Consolidated Appropriations Act (P.L. 111-117), signed into law on December 16, 2009, does not include language that was in P.L. 111-8 prohibiting the Department of Transportation from funding a pilot project for Mexican-registered trucks to operate beyond the border commercial zone.

Tuna

On tuna issues, the Clinton Administration lifted the embargo on Mexican tuna in April 2000 under relaxed standards for a dolphin-safe label in accordance with internationally agreed procedures and U.S. legislation passed in 1997 that encouraged the unharmed release of dolphins from nets. However, a federal judge in San Francisco ruled that the standards of the law had not been met, and the Federal Appeals Court in San Francisco sustained the ruling in July 2001.

Under the Bush Administration, the Commerce Department ruled on December 31, 2002, that the dolphin-safe label may be applied if qualified observers certify that no dolphins were killed or seriously injured in the netting process, but Earth Island Institute and other environmental groups filed suit to block the modification. On April 10, 2003, the U.S. District Court for the Northern District of California enjoined the Commerce Department from modifying the standards for the dolphin-safe label. On August 9, 2004, the federal district court ruled against the Bush Administration's modification of the dolphin-safe standards, and reinstated the original standards in the 1990 Dolphin Protection Consumer Information Act. That decision was appealed to the U.S. Ninth Circuit Court of Appeals, which ruled against the Administration in April 2007, finding that the Department of Commerce did not base its determination on scientific studies of the effects of Mexican tuna fishing on dolphins.

⁹⁵ U.S. Department of State, "Press Availability at TecMilenio University," March 26, 2009.

⁹⁶ For the opposing point of view, see: "Kirk Agrees to Work to Minimize Effects of Mexican Trucking Dispute," *Inside U.S. Trade*, August 14, 2009.

In late October 2008, Mexico initiated World Trade Organization (WTO) dispute proceedings against the United States, maintaining that U.S. requirements for Mexican tuna exporters prevents them from using the U.S. “dolphin-safe” label for its products.⁹⁷ In April 2009, the WTO agreed to set up a dispute panel to rule on Mexico’s complaint. The United States prefers that the dispute should be handled by a NAFTA dispute panel instead of a WTO panel. On November 5, 2009, the U.S. government announced that it had requested formal dispute settlement consultations under NAFTA.⁹⁸

North American Cooperation on Security and Economic Issues

In addition to the increased U.S.-Mexican bilateral cooperation that has occurred during the past two decades, trilateral cooperation between the United States, Mexico, and Canada has also increased, particularly since NAFTA took effect. During the second George W. Bush Administration, annual meetings between the North American leaders and their ministers took place within the framework of the Security and Prosperity Partnership (SPP) of North America, established in March of 2005.⁹⁹ Through the SPP, which consisted of expanded cooperation and harmonization of policies, the three governments sought to advance the common security and prosperity of their countries. To make this partnership operational, the leaders established ministerial-led working groups to develop measurable and achievable goals in priority areas: competitiveness, smart and secure borders, energy security and environmental protection, food and product safety, and emergency response. Beginning in June 2005, the SPP working groups provided annual reports to the three North American leaders on their work and key accomplishments, with the last SPP report submitted prior to the April 2008 North American Leaders’ Summit.

Although President Obama and his counterparts in Mexico and Canada no longer refer to trilateral cooperation as occurring under the SPP initiative, North American cooperation continues to occur on a wide range of economic and security issues. As previously discussed, the most recent North American Leaders’ Summit took place in Guadalajara, Mexico on August 9-10, 2009. In addition to important discussions that occurred with respect to combating drug trafficking and preparing for the fall flu season, the leaders produced, among other things, a list of energy deliverables aimed at reducing carbon emissions in North America.¹⁰⁰ The leaders also committed to meet again in Canada in 2010.

⁹⁷ “Mexico Initiates WTO Dispute Proceeding Against U.S. ‘Dolphin-Safe’ Label for Tuna,” *International Trade Reporter*, October 30, 2008.

⁹⁸ “U.S. Seeks NAFTA Consultations In Tuna Labeling Dispute With Mexico,” *Inside U.S. Trade*, November 13, 2009.

⁹⁹ For more information, see CRS Report RS22701, *Security and Prosperity Partnership of North America: An Overview and Selected Issues*, by M. Angeles Villarreal and Jennifer E. Lake; also see the website of the SPP, available at <http://www.spp.gov/>

¹⁰⁰ The White House, Office of the Press Secretary, “North American Leaders’ Declaration on Climate Change and Clean Energy,” August 10, 2009.

Legislation in the 111th Congress

Enacted and Considered Legislation

P.L. 111-5 (H.R. 1), American Recovery and Reinvestment Act of 2009. Signed into law February 17, 2009, the measure provides \$220 million for construction for the water quantity program of the International Boundary and Water Commission, United States and Mexico. The measure also provides \$40 million in Department of Justice state and local law enforcement assistance for competitive grants to provide assistance and equipment along the southern border and in high-intensity drug trafficking areas to combat criminal narcotics activity, of which \$10 million is to be transferred to ATF for Project Gunrunner.

P.L. 111-8 (H.R. 1105), Omnibus Appropriations Act, 2009. Signed into law March 11, 2009. In Division H, the measure appropriates \$300 million for Mexico as a second installment under the Mérida Initiative. Human rights conditions similar to those included in the FY2008 Supplemental Appropriations Act (P.L. 110-252) apply to 15% of the total funds provided, not including assistance for judicial reform, institution building, anti-corruption, and rule of law activities. In Division I, Section 136, the measure prohibits funds in the Act from being used for a pilot program granting certain Mexican trucks access to U.S. highways beyond the commercial zone. In the joint explanatory statement for Division B, not less than \$5 million is provided for Project Gunrunner and other firearms trafficking efforts targeting Mexico and the border region.

P.L. 111-32 (H.R. 2346), Supplemental Appropriations Act, 2009. Signed into law June 24, 2009, the measure appropriates \$420 million in Mérida Initiative funding for Mexico: \$160 million in INCLE assistance and \$260 million in FMF assistance. Of the \$420 million in FY2009 supplemental assistance to Mexico, 15% of the \$160 million in INCLE assistance is subject to the same human rights conditions set forth in P.L. 111-8, section 7045(e) of Division H. However, the FMF funds appropriated are not subject to human rights conditions. According to the conference report (H.Rept. 111-151), the supplemental measure requires a report from the Secretary of State within 45 days of enactment of the measure detailing actions by the government of Mexico since June 30, 2008, to investigate and prosecute human rights violations by members of the Mexican federal police and military forces. The report also calls for a “thorough, independent, and credible investigation” of the murder of Bradley Will, an American journalist killed while covering a protest in Oaxaca in 2006.

P.L. 111-84 (H.R. 2647), National Defense Authorization Act for FY2010. Signed into law October 28, 2009, the measure contains a provision that allows for the Department of Defense to continue providing support for counter-drug activities in Mexico.

P.L. 111-117 (H.R. 3288), Consolidated Appropriations Act, FY2010, Signed into law December 16, 2009. In Division F, the measure appropriates up to \$210.3 million in Mérida Initiative funding for Mexico: \$190 million in INCLE assistance, \$15 million in ESF, and \$5.25 million in FMF assistance. Human rights conditions apply to 15% of the total funds provided, not including assistance for judicial reform, institution building, anti-corruption, and rule of law activities. In the Joint Explanatory Statement to P.L. 111-117, the conferees direct the Secretary of State to submit a report to within 90 days of the enactment of the Act addressing how prior Mérida funds have been used, progress to date, any planned adjustments in the uses of funds, and post-Mérida plans. Apart from the Mérida Initiative, the measure includes \$10 million in DA assistance for Mexico. The measure does not include language prohibiting funds appropriated in

the Act from being used for a pilot program granting certain Mexican trucks access to U.S. highways beyond the commercial zone.

P.L. 111-118 (H.R. 3326), Defense Appropriations Act, FY2010, Signed into law December 19, 2009, the measure appropriates \$50 million in funding for counternarcotics communication equipment for Mexico.

H.R. 2410 (Berman) Foreign Relations Authorization Act, FY2010 and FY2011. Introduced May 14, 2009; House Committee on Foreign Affairs held markup and ordered the bill reported (H.Rept. 111-136). House approved June 22, 2009. Title IX, Subtitle A of the bill, as introduced, consists of actions to enhance the Mérida Initiative, including the designation of a high-level coordinator within the Department of State to implement the program; the addition of Caribbean Community (CARICOM) countries to the Mérida Initiative; the establishment and implementation of a program to assess the effectiveness of assistance provided under the Mérida Initiative; within 180 days and not later than December 1 of each year thereafter, a reporting requirement regarding the programs and activities carried out under the Mérida Initiative. Title IX, Subtitle B of the bill would require the President to establish an inter-agency task force on the prevention of illicit small arms trafficking in the Western Hemisphere; increase penalties for illicit trafficking in small arms and light weapons; and express congressional support for the ratification by the United States of the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA). H.Amdt. 201 (King) to H.R. 2410, introduced and agreed to on June 10, 2009, provides that the Secretary of State shall report to Congress on the flow of people, goods, and services across the borders shared by the United States, Canada, Mexico, Bermuda, and the Caribbean nations.

Additional Legislative Initiatives

H.Res. 258 (Giffords)/S.Res. 72 (Menendez). H.Res. 258 introduced March 18, 2009; referred to Committee on Foreign Affairs. S.Res. 72 introduced March 10, 2009; referred to Committee on Foreign Relations. The identical resolutions would express full support for Mexico's efforts to confront drug trafficking organizations, apprehend their members, and bring them to justice. The resolutions would also call on the Department of State to ensure the prompt delivery of Mérida Initiative equipment and training; to continue to support the Mexican government's efforts to strengthen institutions and the rule of law, root out corruption, and protect human rights; and to ensure full accountability for all assistance and equipment provided by the United States to Mexico.

H.Res. 1032 (Chu). Introduced January 21, 2010; referred to Committee on Foreign Affairs. The resolution would express support for continued U.S. assistance to the Mexican government for fighting drug traffickers and curbing the violence they commit against Mexican and U.S. citizens.

H.R. 495 (Rodriguez)/S. 205 (Bingaman), Southwest Border Violence Reduction Act of 2009. H.R. 495 introduced January 14, 2009; referred to Committee on the Judiciary and Committee on Foreign Affairs. S. 205 introduced January 12, 2009; referred to Committee on the Judiciary. Both bills would direct the Attorney General to expand the resources provided for ATF's Project Gunrunner initiative to identify, investigate, and prosecute individuals involved in the trafficking of firearms across the international border between the United States and Mexico. The bills would authorize \$15 million for each of FY2010 and FY2011 for Project Gunrunner in the United States, and \$9.5 million for each of FY2010 and FY2011 for the Attorney General, in cooperation

with the Secretary of State, to assign ATF agents to the U.S. mission in Mexico, provide equipment to support ATF efforts, and provide training for Mexican law enforcement.

H.R. 937 (Filner), Visitors Interested in Strengthening America (VISA) Act of 2009.

Introduced February 10, 2009; referred to Committee on the Judiciary. The bill would waive certain entry documentary requirements for a non-immigrant child (unmarried and under the age of 16) who is a citizen or national of Mexico and accompanying parent or adult chaperone in instances of medical visits, student groups, and/or special community events.

H.R. 1437 (Cuellar), Southern Border Security Task Force Act of 2009. Introduced March 11, 2009; referred to Committees on Homeland Security and the Judiciary. Would establish a task force to coordinate the efforts of federal, state, and local border law enforcement officials and task forces to protect U.S. border cities and communities from violence associated with drug trafficking, gunrunning, illegal alien smuggling, violence, and kidnapping along and across the international border between the United States and Mexico.

H.R. 1448 (Rodriguez), Border Reinforcement and Violence Reduction Act of 2009.

Introduced March 11, 2009; referred to Committees on the Judiciary, Homeland Security, and Foreign Affairs. The bill would authorize the Secretary of Homeland Security and the Attorney General to increase resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations and for other unlawful activities by providing for border security grants to local law enforcement agencies and reinforcing Federal resources on the border. It would authorize: \$150 million for FY2010 and each succeeding fiscal year to the Secretary of Homeland Security for a border relief grant program; \$9.5 million for each of FY2010 and FY2011 for Project Gunrunner (an ATF program) and \$15 million for each of FY2010 and FY2011 for Operation Armas Cruzadas (an ICE program) to deter the trafficking of firearms across the international border between the United States and Mexico.

H.R. 1611 (Flake). Introduced March 19, 2009; referred to Committee on Transportation and Infrastructure. The bill would repeal a provision in the Omnibus Appropriations Act, 2009 (P.L. 111-8, Division I, Section 136) that prohibits the use of funds for a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico.

H.R. 1867 (Kirkpatrick), Border Violence Prevention Act of 2009. Introduced April 2, 2009; referred to Committee on Homeland Security. The bill would authorize additional resources to enhance security activities along the international border with Mexico.

H.R. 1900 (Jackson-Lee), Border Security, Cooperation, and Act Now Drug War Prevention Act. Introduced April 2, 2009; referred to Committees on Homeland Security and the Judiciary. Among its provisions, the bill would authorize emergency deployments of U.S. Border Patrol, DEA, and ATF agents along the border with Mexico; and would authorize \$150 million in FY2010 and each subsequent fiscal year for a border relief grant program.

H.R. 2076 (Grijalva), Border Security and Responsibility Act 2009. Introduced April 23, 2009; referred to Committees on Homeland Security, Armed Services, and Agriculture. The bill would require the Secretary of Homeland Security, in consultation with other federal, state and local authorities, to submit a new border protection strategy to Congress that, among other measures, would not involve the construction of border fencing.

H.R. 2083 (Hunter), Border Sovereignty and Protection Act. Introduced April 23, 2009; referred to Committees on the Judiciary, Homeland Security, and Education and Labor. The bill would require the completion of at least 350 miles of reinforced fencing along the southwest border within one year of the enactment of the measure.

H.R. 3239 (Kirkpatrick) Introduced July 16, 2009; referred to Committees on Homeland Security and Foreign Affairs. House Committee on Homeland Security held markup and ordered the bill reported November 17, 2009. The bill would require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Mérida Initiative on the border security of the United States.

H.R. 3252 (Hinojosa). Introduced July 17, 2009; referred to Committee on Financial Services. The bill would authorize the President to agree to an amendment to the agreement between the U.S. and Mexican governments to expand the purposes and functions of the Border Environment Cooperation Commission and the North American Development Bank to allow the Commission to certify, and the Bank to finance, any type of border infrastructure project.

H.R. 3308 (Schuler)/S. 1505 (Pryor), Secure America Through Enforcement and Verification Act of 2009 or SAVE Act of 2009. Introduced July 23, 2009; referred to Committees on Homeland Security, the Judiciary, Ways and Means, Education and Labor, Oversight and Government Reform, Armed Services, Agriculture, and Natural Resources. The bill sets forth a wide range of border security and enforcement provisions.

H.R. 4321 (Ortiz) Comprehensive Immigration Reform for America's Security and Prosperity Act of 2009, CIR ASAP Act of 2009. Introduced December 15, 2009; referred to Committees on the Judiciary, Homeland Security, Armed Services, Foreign Affairs, Natural Resources, Ways and Means, Education and Labor, Oversight and Government Reform, and Administration. The bill contains both border enforcement and legalization provisions and would attempt to address visa backlogs in the current immigration system.

S. 91 (Vitter). Introduced January 6, 2009; referred to Committee on Foreign Relations. The bill would reduce the amount of financial assistance provided to the government of Mexico in response to the illegal border crossing from Mexico into the United States.

S. 339 (Bingaman), Border Law Enforcement Relief Act of 2009. Introduced January 28, 2009; referred to Committee on the Judiciary. The bill would provide financial aid to local law enforcement officials along the nation's borders. It would authorize \$100 million for each of FY2010 through FY2014 for a border relief grant program run by the Attorney General.

S. 1190 (Bingaman), Border Law Enforcement Anti-Drug Trafficking Act of 2009. Introduced June 4, 2009; referred to Committee on the Judiciary. The bill, related to S. 339, would authorize the Attorney General to award competitive grants to local law enforcement agencies and institutions of higher education for combating drug-related criminal activity.

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