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U.S.-Mexico Security Cooperation: From the Mérida Initiative to the Bicentennial Framework

Elevated levels of organized crime-related violence in Mexico and drug overdose deaths in the United States have led some in Congress to question the efficacy of U.S.-Mexican security cooperation. Homicides in Mexico reached record levels from 2016 to 2019, declined slightly in 2020, but rose again in 2021 and remain elevated in 2022. Moreover, since 2019, Mexico has replaced China as the primary U.S. source of fentanyl, which accounted for some 66% of the nearly 108,000 U.S. drug overdoses in 2021.

As Congress funds and oversees security cooperation under the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities, announced in October 2021, it may evaluate lessons learned from the Mérida Initiative, a security partnership supported by \$3.5 billion in appropriations (FY2008 - FY2021).

Origins of the Mérida Initiative

Prior to FY2008, Mexico did not receive large amounts of U.S. security assistance, partially due to Mexican sensitivity about U.S. involvement in the country's internal affairs. In March 2007, then-Mexican President Felipe Calderón asked for more U.S. cooperation to fight criminal organizations and their cross-border trafficking operations. In response, the Mérida Initiative, a package of U.S. antidrug and rule-of-law assistance to Mexico, began. As part of the Mérida Initiative's emphasis on *shared responsibility*, the Mexican government pledged to tackle corruption. The U.S. government pledged to address drug demand and the illicit trafficking of firearms and bulk currency to Mexico. Both governments have struggled to fulfill those commitments.

Initial Phase: FY2008-FY2010

Congress appropriated \$1.5 billion for the Mérida Initiative from FY2008 to FY2010, including \$420.7 million in Foreign Military Financing (FMF), which enabled the purchase of equipment, including aircraft and helicopters, to support Mexico's federal security forces (military and police). Congress required the State Department to withhold 15% of certain U.S. aid for the Mexican military and police until the agency submitted an annual report stating that Mexico was taking steps to meet human rights requirements. U.S. assistance focused on counternarcotics, border security, and counterterrorism; public security; and institution building. U.S. intelligence supported Mexico's strategy of arresting (and extraditing) kingpins from each of the major drug trafficking organizations. This *kingpin strategy* also fueled intra-cartel violence.

The Four-Pillars: FY2011-FY2017

In 2011, the U.S. and Mexican governments broadened the scope of bilateral efforts under four pillars.

1. **Combating transnational organized criminal organizations (TCOs);**
2. **Strengthening criminal justice sector institutions** while protecting human rights;
3. **Creating a 21st-century U.S.-Mexican border** while improving immigration enforcement in Mexico; and,
4. **Building strong and resilient communities** through pilot projects aimed at violence prevention and drug demand reduction.

The initiative's wide-ranging cooperation was widely praised. Critics asserted, however, that the two nations adopted an increasing number of priorities without allocating increased funding for them. In addition, a May 2020 Government Accountability Office report identified deficiencies in monitoring impacts of specific programs.

Shifting Priorities: FY2018-FY2021

President Trump's executive orders on combatting transnational criminal organizations (E.O. 13773) and enhancing border security (E.O. 13767) refocused the Mérida Initiative. Controlling irregular migration became a central U.S. goal, while promoting human rights and reforming the rule of law were arguably deemphasized. Other U.S. priorities included reducing synthetic drug production, improving border interdiction and port security, and combating money laundering.

Since taking office in 2018, Mexican President Andrés Manuel López Obrador has criticized the Mérida Initiative and reduced federal security cooperation with the United States, with the exception of migration enforcement. In 2020, the Coronavirus Disease 2019 (COVID-19) pandemic hindered bilateral cooperation. In October 2020, the United States arrested former Defense Minister Salvador Cienfuegos on drug charges; the move angered the Mexican government and further limited cooperation. Mexico's Congress enacted a law requiring foreign law enforcement officials to share information they gather with designated Mexican federal authorities and requiring Mexican state and local officials to report contacts with foreign officials.

President López Obrador has enjoyed high approval ratings despite his government's lack of success in reducing violent crime. Mexico's security strategy, released in February 2019, focuses on addressing the socioeconomic drivers of crime. López Obrador's government has implemented broad social programs rather than the type of targeted crime prevention efforts that the U.S. Agency for International Development (USAID) has endorsed.

Before his election, President López Obrador campaigned against Mexico's military-led "war" on TCOs and the kingpin strategy of his predecessors. Nevertheless, he has since backed constitutional reforms to allow military involvement in public security to continue until 2028, a reform upheld by Mexico's Supreme Court despite past rulings against such policies. Similarly, high-level arrests and extraditions from Mexico increased in 2020 until Cienfuegos' arrest. They have since resumed.

President López Obrador replaced the federal police, which received U.S. equipment and training, with a new National Guard primarily composed of military officers. There are concerns about the National Guard violating human rights and lacking investigative capacity. In September 2022, the Mexican Congress enacted a constitutional reform to make the National Guard a part of the defense ministry. Human rights and policing experts oppose this move, asserting that military forces are ill suited for civilian policing. Critics also have noted declining investment in state and local police forces, which investigate most crimes.

Some civil society and private sector leaders have criticized López Obrador for weakening anti-corruption institutions and not creating the national anti-corruption system required by a 2017 constitutional reform. Mexico's Congress approved the creation of an independent prosecutor general's office; however, the individual in that post, confirmed by the Mexican Congress, is the president's close ally. He has intervened in cases involving the president's family, earning a supreme court rebuke. While federal prosecutors have slowly pursued corruption cases against officials from past governments, they appear to have ignored most allegations involving López Obrador's allies. International experts fear prosecutors may have mishandled the emblematic case of 43 students disappeared in Guerrero in 2014.

Bicentennial Framework

The Biden Administration inherited a tense security relationship with Mexico. In October 2021, Mexico hosted the first High-Level Security Dialogue (HLSD) since 2016. After the dialogue, the governments announced a new Bicentennial Framework for Security, Public Health, and Safe Communities with three pillars:

1. **Protect people** by investing in public health solutions to drug use, supporting safe communities, and reducing homicides and other high-impact crimes
2. **Prevent transborder crime** by reducing arms trafficking, targeting illicit supply chains, and reducing human trafficking and smuggling
3. **Pursue criminal networks** by disrupting illicit financiers in both countries and importers of precursor chemicals and synthetic drug producers in Mexico, while strengthening security and justice.

Many observers credit the October 2021 HLSD and the Bicentennial Framework with revitalizing bilateral security cooperation. Although some have criticized the framework for deemphasizing institutional reform in Mexico, others

have praised its prioritization of issues such as arms trafficking (a top priority for Mexico). Both governments reported progress in a White House fact sheet released at the October 2022 HLSD. The fact sheet cited several new initiatives to combat arms trafficking and synthetic opioids. However, other lines of action, such as human rights, appeared to repackage programs that had existed for many years under the Mérida Initiative.

Congressional Action

Congress could influence the Bicentennial Framework through appropriations and conditions on those appropriations, other legislation, and oversight. In March 2022, Congress enacted the FY2022 Consolidated Appropriations Act (P.L. 117-103). After consultations with appropriators, the Administration allocated \$64 million in International Narcotics Control and Law Enforcement (INCLE) funds and an unspecified portion of \$57.8 million in Economic Support Funds (ESF) for programs that support Bicentennial Framework goals. The explanatory statement to the act included a provision from H.Rept. 117-84 prohibiting U.S. support for Mexican military participation in public security. Reporting requirements in the explanatory statement included a review of funds provided by the Mérida Initiative; the adequacy of Mexico's efforts to combat human rights abuses; and efforts to combat fentanyl flows. Neither the act nor the accompanying explanatory statement referenced the Bicentennial Framework.

Congress is considering the Biden Administration's FY2023 budget request, which included \$141.6 million in bilateral assistance for Mexico. The request included \$64 million in INCLE funds and \$75 million in ESF funds. The FY2023 State and Foreign Operations appropriations bill reported by the House Appropriations Committee (H.R. 8282) does not include a country-specific foreign assistance level for Mexico. H.Rept. 117-401 accompanying H.R. 8282 recommends sufficient funding to support Mexico's efforts against synthetic opioids. The report would prohibit any U.S. funds from supporting the involvement of Mexican military forces in law enforcement. The appropriations bill introduced in the Senate, S. 4662, does not specify funds for Mexico. The explanatory statement would require the Secretary of State to produce a report within 60 days on end user agreements for government to government or commercial sales of weapons to Mexico. It also would require the Secretary of State to produce a report related to Mexico's efforts to address certain grave human rights violations prior to the obligation of FY2023 INCLE funds for Mexico. The joint explanatory statement accompanying the FY2023 National Defense Authorization Act (H.R. 7776) would require a report on bilateral security and law enforcement cooperation with Mexico.

See CRS Report R41576, *Mexico: Organized Crime and Drug Trafficking Organizations*; CRS In Focus IF10400, *Trends in Mexican Opioid Trafficking and Implications for U.S.-Mexico Security Cooperation*; and CRS In Focus IF10215, *Mexico's Immigration Control Efforts*.

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