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

In recent years, escalating violence in Mexico and drug overdose deaths in the United States have led Congress to question the efficacy of U.S.-Mexican security cooperation. Homicides in Mexico reached record levels from 2016 to 2019, followed by a slight decline during the Coronavirus Disease 2019 (COVID-19) pandemic. Since 2019, Mexico has replaced China as the primary U.S. supplier of synthetic opioids, which cause a majority of U.S. drug overdoses.

As Congress deliberates on the future of U.S.-Mexican security cooperation, it may reevaluate the Mérida Initiative, including implementation of security and rule-of-law initiatives supported by \$3.5 billion in congressional appropriations. It also may assess the Biden Administration's FY2023 budget request to support the new U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities.

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 criminal organizations** through intelligence sharing and law enforcement operations
2. **Institutionalizing the rule of law while protecting human rights** through justice sector reform, forensic equipment and training, and police and corrections reform
3. **Creating a 21st-century U.S.-Mexican border** while improving immigration enforcement in Mexico
4. **Building strong and resilient communities** by piloting approaches to address root causes of violence and reduce drug demand

Some analysts praised the wide-ranging cooperation. Others criticized the increasing number of priorities the two nations adopted. Experts warned it would be difficult in only eight years for Mexico to implement an accusatorial justice system requiring better evidence collection by police and public trials with oral arguments. Mexico's Congress established the eight-year transition to a new justice system in 2008 constitutional reforms.

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. Updated U.S. priorities included reducing synthetic drug production, improving border interdiction and port security, and combating money laundering. In 2019, President Trump praised Mexico's augmented efforts against illegal migration but criticized Mexico's antidrug performance in his FY2021 "drug majors" determination.

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 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 security cooperation. After the United States dropped the case and allowed Cienfuegos to return to Mexico, President López Obrador exonerated him and dismissed the U.S. evidence as fabrications. Mexico's Congress enacted a law requiring foreign law enforcement officials to share information they gather with designated Mexican federal authorities and Mexican state and local officials to report contacts with foreign officials.

President López Obrador enjoys high approval ratings, even though his government has struggled to address homicides

and violent crime. Mexico's security strategy, released in February 2019, focuses on addressing the socioeconomic drivers of violent crime. Thus far, López Obrador 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.

President López Obrador campaigned against Mexico's military-led "war" on criminal organizations but backed constitutional reforms to allow military involvement in public security until 2024. Those reforms came despite a 2018 Mexican Supreme Court ruling that prolonged military involvement in public security violated the Mexican Constitution. López Obrador initially resisted the so-called kingpin strategy employed by his two predecessors, but high-level arrests and extraditions increased in 2020 until the U.S. arrest of Cienfuegos.

Instead of using the federal police, which received U.S. equipment and training, President López Obrador secured congressional approval of a new National Guard primarily composed of military officers. There are concerns about the National Guard violating human rights. López Obrador has asked the Mexican Congress to enact 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.

Civil society and the private sector have criticized President López Obrador for weakening some institutions charged with combatting corruption. Mexico's Congress approved the creation of an independent prosecutor general's office; the individual in that post is the president's close ally and has intervened in cases involving the president's family, earning a supreme court rebuke. Although federal prosecutors have slowly pursued corruption cases against officials from past governments, they appear to have ignored most allegations involving López Obrador's allies. The government has not implemented the national anti-corruption system required by a 2017 constitutional reform.

Replacing the Mérida Initiative

The Biden Administration inherited a tense security relationship with Mexico. President Biden and President López Obrador focused their early dialogues on migration issues, COVID-19 response, and economic issues. On October 8, 2021, Mexico hosted the first U.S.-Mexico High-Level Security Dialogue since 2016, which included the participation of U.S. Secretary of State Antony Blinken, U.S. Secretary of Homeland Security Alejandro Mayorkas, and Attorney General Merrick Garland.

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 security dialogue 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) and violence prevention. U.S. officials assert that the framework's pillars align with the Biden Administration's broader drug control priorities, including treating drug addiction through a public health lens, preventing the diversion of precursor chemicals to illicit drug production, and combating illicit financial networks.

Congressional Action

Congress could influence the Bicentennial Framework through appropriations, other legislation, and oversight. In March 2022, Congress enacted the FY2022 Consolidated Appropriations Act (P.L. 117-103). The explanatory statement designated \$158.9 million in assistance to Mexico (\$42.3 million more than the Administration requested and equal to the FY2021 allocation), with no withholding requirements (aid restrictions). For security and rule-of-law programs, it provided \$100 million in International Narcotics Control and Law Enforcement (INCLE) funds administered by the State Department and a portion of the \$50 million in Economic Support Funds (ESF) managed by USAID.

The explanatory statement included a provision from H.Rept. 117-84 that prohibits funding to support Mexican military participation in public security and urges support for criminal justice reform, human rights protection, and crime and violence prevention (pillars two and four of the Mérida Initiative). Other directives require a review of funds provided through the Mérida Initiative; a report on funds appropriated to Mexican agencies involved in migration management; plans to improve data collection on synthetic drug trafficking; the adequacy of Mexico's efforts to combat human rights abuses; criminality along Mexico's northern highways; efforts to combat fentanyl flows; and the efficacy of U.S. drug policy.

Congress also is considering the Biden Administration's FY2023 budget request, which includes \$141.6 million in bilateral assistance for Mexico. The request includes \$64 million (36% decrease from FY2022) for INCLE funds and \$75 million for ESF funds (50% increase from FY2022) that have supported past security and rule of law programs. See CRS Report R42917, *Mexico: Background and U.S. Relations*; CRS In Focus IF10215, *Mexico's Immigration Control Efforts* and CRS Report R45199, *Violence Against Journalists in Mexico: In Brief*.

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