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Mexico-U.S. Relations: Issues for the 109th Congress

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Mexico-U.S. Relations: Issues for the 109th Congress

Summary

The United States and Mexico have a special relationship as neighbors and partners under the North American Free Trade Agreement (NAFTA). The friendly relationship has been strengthened by President Bush's meetings with President Fox. This report, covering trade, migration/border, drug trafficking, and political issues, will be updated on a regular basis.

Trade Issues. Since 1994, NAFTA institutions have been functioning, trade between the countries has tripled, and allegations of violations of labor and environmental laws have been considered under the trilateral institutions. The Bush Administration argues that NAFTA has had modest positive impacts on all three member countries, but Mexican farmers have strongly criticized the effects of NAFTA. Notable trade disputes with Mexico relate to trucking, telecommunications, tuna, sweeteners and anti-dumping measures.

Migration/Border Issues. In February 2001, Presidents Bush and Fox agreed to establish high-level talks to ensure orderly migration flows between the countries, but the talks stalled after the September 2001 terrorist attacks. During President Bush's State of the Union address on February 2, 2005, he called for "an immigration policy that permits temporary guest workers to fill jobs Americans will not take." On February 10, 2005, the House passed the REAL ID Act of 2005 (H.R. 418) that would establish identity card standards for drivers' licenses and waive laws to facilitate construction of a border fence; this measure was attached by the House to the Emergency Supplemental Appropriations for FY2005 (H.R. 1268) as Division B on March 16, 2005. On March 23, 2005, President Bush hosted meetings in Texas with President Fox and Prime Minister Martin, in which the leaders established the trilateral "Security and Prosperity Partnership (SPP) of North America," which will seek to advance the common security and prosperity of the countries through expanded cooperation and harmonization of policies.

Drug Trafficking Issues. Bush Administration officials have regularly praised Mexico's counter-narcotics efforts under Fox, especially action against major traffickers and efforts to improve the judicial system, and have characterized the bilateral cooperation in this area as unprecedented. The State Department reported in March 2005, however, that Mexico remained the leading transit country for cocaine and that numerous U.S. extradition requests were denied based on the Mexican prohibition against life sentences and capital punishment.

Political and Human Rights Issues. President Fox's PAN fared poorly in July 2003 elections, making congressional approval of reform measures less likely, and local elections are being held in a lead up to the July 2006 presidential elections. On human rights issues, President Fox has designated special prosecutors to try those responsible for human rights abuses in the 1970s and 1980s, but problems persist, according to the State Department's February 2005 report. On December 10, 2004, President Fox, responding to an analysis by the U.N. High Commission for Human Rights, presented a series of proposed reforms to discourage torture and to strengthen the rights of defendants in Mexico.

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Most Recent Developments

On March 7, 2005, the United States withdrew from the Optional Protocol giving the International Court of Justice jurisdiction over disputes under the Vienna Convention on Consular Relations; this came a week after President Bush directed state courts to review the cases of 51 Mexicans on death row to comply with a March 2004 ICJ decision that the United States had breached its obligations under the Vienna Convention by failing to notify Mexican consular officials when those Mexican nationals were arrested. On March 10, 2005, Secretary of State Rice visited Mexico in preparation for President Bush's March 23 meeting with the leaders of Mexico and Canada; she praised the remarkable cooperation between the countries, defended the recent State Department reports on human rights and drug control efforts against Mexican criticism, and announced Mexico's agreement to transfer enough water to meet its existing water debt with the United States. On March 16, 2005, the House passed the Emergency Supplemental Appropriations for FY2005 (H.R. 1268), with the text of H.R. 418, the REAL ID Act, as Division B, with identity card standards and provisions to facilitate the completion of fencing along the U.S.-Mexico border. On March 23, 2005, President Bush hosted meetings in Texas with President Fox and Prime Minister Martin, in which the leaders established the trilateral "Security and Prosperity Partnership (SPP) of North America," that will seek to advance the common security and the common prosperity of the countries through expanded cooperation and harmonization of policies..

U.S.-Mexico Relationship[1]

Major Bilateral Linkages

Mexico surpassed Japan in 1999 to become the United States' second most important trading partner following Canada. It is also the leading country in Latin America in terms of U.S. investment, with the total stock of U.S. investment being about $61 billion in 2003. In addition, cooperation with Mexico is vital in dealing with illegal immigration, the flow of illicit drugs, and a host of border issues.

The United States is Mexico's most important customer by far, receiving about 87% of Mexico's exports, including petroleum, automobiles, auto parts, and winter

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[1] This report draws heavily from CRS Report RL31876, *Mexico-U.S. Relations: Issues for the 108th Congress*. That report summarizes legislation passed by the 108th Congress.

vegetables, and providing about 77% 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.

Until the early 1980s, Mexico had a closed and statist economy and its independent foreign policy was often at odds with the United States. Beginning under President Miguel de la Madrid (1982-1988), and continuing more dramatically under President Carlos Salinas de Gortari (1988-1994) and President Ernesto Zedillo (1994-2000), Mexico adopted a series of economic, political, and foreign policy reforms. It opened its economy to trade and investment, adopted electoral reforms that leveled the playing field, and increased cooperation with the United States on drug control, border issues, and trade matters. Cooperation under the North American Free Trade Agreement (NAFTA) and the annual cabinet-level meetings of the Binational Commission are the clearest indications of the close and increasing relationships between the countries.

Fox Administration

Vicente Fox of the conservative Alliance for Change coalition was inaugurated as President on December 1, 2000, for a six-year term, promising to promote free market policies, to strengthen democracy and the rule of law, to fight corruption and crime, and to end the conflictive situation in the state of Chiapas. Fox's inauguration ended 71 years of presidential control by the long dominant party.

Fox was elected with 42.52% of the vote in the July 2, 2000 elections, with support from the conservative National Action Party (PAN) and the Green Ecological Party of Mexico (PVEM), which formed the Alliance for Change. Francisco Labastida from the long-ruling and centrist Institutional Revolutionary Party (PRI) came in second with 36.10% of the vote. Cuauhtemoc Cardenas from the leftist Alliance for Mexico came in third with 16.64% of the vote, with support from the center-left Party of the Democratic Revolution (PRD) and four minor leftist parties.

Results from the July 2000 legislative elections produced a pluralistic legislature where none of the major parties had a majority in either chamber. In the 128-member Senate, the PRI has 60 senators, the PAN has 46, and the PRD has 15.[2] Following the July 2003 elections to renew the Chamber of Deputies, the PAN dropped from 206 deputies to 153 deputies (31% of the total), putting it in a weaker position to support Fox's program, while the PRI's delegation increased from 211 to 224 (45% of the total) and the PRD's delegation increased from 50 to 95 (19% of the total).[3]

Economic and Social Challenges. With nearly 90% of the country's exports going to the United States, Mexico's economy was strongly affected by the slowdown in the United States following the terrorist attacks. Mexico's economy contracted 0.8% in 2001, and grew only 0.9% in 2002 and 1.3% in 2003, but it

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[2] For more detail on the 2000 elections, see CRS Report RS20611, *Mexico's Presidential, Legislative, and Local Elections of July 2, 2000*, by K. Larry Storrs.

[3] For more detail on the 2003 elections, see CRS Report RS21561, *Mexico's Congress and July 2003 Elections*, by K. Larry Storrs.

revived strongly in 2004 with a 4.4% growth rate, the best in Fox's presidency. The earlier meager growth results under Fox contrasted with economic growth averaging over 5% in the previous six years. Under the circumstances, President Fox has been forced to operate under austere budgets in 2001, 2002, 2003, and 2004, reducing the funding for promised health and education programs. Lacking majority support in Congress, Fox has been unable to obtain approval of major legislation, including a proposed tax reform and a proposed energy reform that would permit greater private participation in the hydrocarbon and electricity sectors, although Congress did pass a social security reform in July 2004. In December 2004, President Fox appealed parts of the congressionally approved spending package to the Supreme Court which will determine if he has the constitutional authority to modify a congressionally approved budget.

Political and Security Challenges. President Fox has promised to end corruption, to operate a more transparent and open government, to strengthen the government's commitment to human rights, and to end the uncertainties relating to the state of Chiapas. He encouraged congressional passage of indigenous rights legislation in 2001, but the rebellious Zapatistas denounced the legislation as inadequate. He has attempted to professionalize the police under a new public security ministry to deal with widespread public concerns with security and police corruption, and he has undertaken vigorous efforts against illicit drug traffickers. In late March 2004, he proposed a judicial reform that would make the criminal justice system more efficient, transparent, and public, but the Mexican Congress did not complete action on the proposal. In December 2004, President Fox followed up with a series of proposed human rights reforms to discourage torture and to strengthen the rights of defendants in Mexico.

Foreign Policy Challenges. President Fox has indicated that Mexico will pursue a more activist and diversified foreign policy, with greater involvement in UN activities, and stronger ties to Latin America and Europe. He has promoted the so-called Puebla-Panama Plan, which promotes cooperative development efforts among the Central American countries and the southeastern states of Mexico. He is reviving the G-3 group (Colombia, Venezuela, and Mexico), and is seeking better ties with the Southern Common Market (Mercosur) countries in South America. He has sought to expand trade with the European Union under the EU-Mexico free trade agreement that went into effect in July 2000, and with Japan under the Mexico-Japan free trade agreement that will enter into force in April 2005. Mexico held a temporary seat on the U.N. Security Council in 2002 and 2003 and expressed support for continuing diplomatic efforts under United Nations auspices to achieve the disarmament of Iraq, leading to expressions of disappointment from the Bush Administration.

President Fox has encouraged warm and friendly relations with the United States, and he has called for greater cooperation under NAFTA and for a bilateral migration agreement that would regularize the status of undocumented Mexicans in the United States. (See *Migration/Border Issues* below for more detail.) In 2001, Presidents Fox and Bush met in mid-February in Mexico, in mid-April in Canada, in early May in the United States, in early September in the United States on an official state visit, and in early October in the United States when President Fox expressed solidarity with the United States following the terrorist attacks. In 2002,

the Presidents met in March in Monterrey, Mexico, following the U.N. conference on development, and in October in Los Cabos, Mexico, at the Asia-Pacific Economic Cooperation (APEC) summit. Relations seemed to be especially warm in 2001 when hopes were high for some sort of migration agreement, but the relationship cooled to some extent when the migration talks stalled following the terrorist attacks on the United States and when Mexico was reluctant to support U.S. action in Iraq in the UN Security Council. In 2003, the Presidents met in October, in Bangkok, Thailand, at the Asia-Pacific Economic Cooperation (APEC) summit, where they reaffirmed the desire to discuss bilateral immigration issues. In 2004, the Presidents met in January, in Monterrey, Mexico, for the Special Summit of the Americas, in March at President Bush's ranch in Crawford, Texas, and in November at the APEC summit in Santiago, Chile, with all three occasions providing opportunities to discuss President Bush's new immigration proposal. In 2005, the Presidents met in March in Texas, along with Prime Minister Martin of Canada, and launched the trilateral "Security and Prosperity Partnership (SPP) of North America."

Bilateral Issues for Congress

Trade Issues

Trade between Mexico and the United States has grown dramatically in recent years, under the North American Free Trade Agreement (NAFTA) between the United States, Mexico, and Canada. Total U.S. trade with Mexico more than tripled in 10 years, from $81.5 billion in 1993 to a high of $266.6 billion in 2004, but the balance of U.S. trade with Mexico has shifted from a surplus of $1.3 billion in 1994 to a generally growing deficit of $45 billion in 2004 (exports of $110.8 billion; imports of $155.8 billion), in part because of the late 1994 devaluation of the peso which made Mexican products cheaper. This change in the trade balance has caused some Members of Congress to question the benefits of NAFTA. Despite the deficit, Mexico is one of the fastest growing export markets for the United States in recent years, and it became the second most important trading partner after Canada in 1999.

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 are being eliminated over a 15-year period, with most restrictions eliminated in the early years of the agreement. Over the years, Clinton Administration and Bush Administration spokesmen have argued that NAFTA has been successful in increasing U.S. exports to Mexico, particularly in heavily protected areas such as agricultural products, and in promoting job creation and investment in both countries.

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 border 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, and the measure (H.R. 254) was signed into law (P.L. 108-215) on April 5, 2004.

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.

Under the *labor* side agreement, 28 petitions have been submitted alleging noncompliance by one of the NAFTA countries with existing labor legislation, and 15 of these have been against Mexico, although some of the cases against the United States involve working conditions and compensation for migrant workers.

Seven submissions against Mexico were advanced to the next stage of ministerial consultations, and the others were dropped or rejected on procedural grounds. In one case advanced to ministerial consultation, involving the dismissal of workers for union organizing activities at a SONY electronics plant in Nuevo Laredo, Mexico, the labor ministers agreed to a plan of action including meetings with the affected workers, public seminars, and studies of union registration procedures. In the case of alleged discrimination against pregnant Mexican workers in border assembly ("maquiladora") plants, ministerial consultations led to an implementation agreement and a conference on the rights of working women. In the case of the union association and health and safety issues in the Han Young maquiladora plant in Tijuana and the Itapsa maquiladora plant in the state of Mexico, ministerial consultations were held and led to trilateral seminars on the relevant issues. In the case of occupational safety and health issues in the Auto Trim/Custom Trim in Tamaulipas, Mexico, ministerial consultations were held that led to the establishment of a bilateral working group of experts on the relevant issues. Some of the most recent cases, filed in the United States and Canada in late September and early October 2003, allege violations of workers' rights in garment factories in Puebla, Mexico.

Under the trilateral CLC, the countries are cooperating in many areas, especially occupational safety and rights of working women and children. Some argue that the provisions have encouraged Mexico to enforce its own labor legislation. Others argue that the provisions have been extremely weak and that numerous abuses persist.[4]

Under the *environmental* side agreement, 26 petitions have been submitted alleging non-compliance with environmental legislation, but only 9 of these have involved Mexico. In a major case involving the environmental impact of the

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[4] For more information on the functioning of this institution, see CRS Report 97-861, *NAFTA Labor Side Agreement: Lessons for the Worker Rights and Fast-Track Debate*, by Mary Jane Bolle.

construction of a cruise boat port in Cozumel, Mexico, the Council requested a response from the Mexican government and after evaluation directed the CEC Secretariat to prepare a full factual record on the case to highlight deficiencies. In two cases involving pollution of the Magdalena River and Lake Chapala the Council is reviewing the response from the Mexican government. In three recent cases, the Council has requested responses from the Mexican government; in another case the complaint is still being reviewed; and another case was rejected on grounds that it did not allege a violation of environmental law. The CEC is cooperating on many environmental projects, including the North American Bird Conservation Initiative to protect birds and conserve bird habitats; the Upper San Pedro River Initiative to protect this Sonora-Arizona eco-system that is an important corridor for millions of migratory birds; and the Sound Management of Chemicals Project to dramatically reduce the use of PCBs, DDT, chlordane, mercury, and other pollutants.[5]

Recent Trade Disputes. Major trade disputes between the countries involve: the access of Mexican trucks to the United States; opening the Mexican telecommunications sector to international long distance competition; the access of Mexican sugar and tuna to the U.S. market; the access of U.S. sweeteners to the Mexican market; and Mexico's recently removed ban on U.S. beef products following the discovery of mad cow disease.

With respect to trucking issues, the Mexican government objected to the Clinton Administration's refusal, on safety grounds, to allow Mexican trucks to have access to U.S. highways under the terms of the NAFTA pact. A NAFTA dispute resolution panel supported Mexico's position in February 2001. President Bush indicated a willingness to implement the provision, but the U.S. Congress required additional safety provisions in the FY2002 Department of Transportation Appropriations Act (P.L. 107-87). On November 27, 2002, with safety inspectors and procedures in place, the Administration announced that it would begin the process that will open U.S. highways to Mexican truckers and buses, but environmental and labor groups went to court in early December to block the action. On January 16, 2003, the U.S. Court of Appeals for the Ninth Circuit ruled that full environmental impact statements were required before Mexican trucks would be allowed to operate on U.S. highways, but the U.S. Supreme Court reversed that decision on June 7, 2004. On September 22, 2004, the House approved 339-70 an amendment to the Transportation-Treasury Appropriations (H.R. 5025) that would prohibit implementation of a rule allowing Mexican and Canadian truck operators an additional two years to bring their trucks into compliance with U.S. safety provisions, and this was eventually incorporated into the Consolidated Appropriations Act for FY2005 (H.R. 4818/P.L. 108-447) that was approved by the Congress and the President in November-December 2004. Movement toward implementation is being made as safety and operational concerns are addressed.

Regarding telecommunications issues, the United States filed a complaint with the World Trade Organization (WTO) in August 2000, following previous warnings, over Mexico's failure to reduce Telmex's continuing dominant position in the

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[5] For more information, see CRS Report 97-291, *NAFTA: Related Environmental Issues and Initiatives*, by Mary Tiemann.

telecommunications industry. Despite efforts to reach a negotiated solution, the USTR's April 2001 report on telecommunication trade barriers cited Mexico for continued failure to open its long-distance market to competition, and in mid-February 2002, it requested a WTO dispute resolution panel to rule on the U.S. complaint. On March 12, 2004, the dispute panel issued its final report, generally upholding U.S. claims and finding that Telmex interconnection fees were above what cost-oriented rates should be. On June 1, 2004, Mexico and the United States agreed to settle their dispute by adopting the recommendations of the WTO panel.

With regard to sugar/sweetener issues, Mexico argues that it is entitled to ship its net sugar surplus to the United States duty free under NAFTA, while the United States argues that a sugar side letter negotiated along with NAFTA limits Mexican shipments of sugar. Mexico also complains that imports of high fructose corn syrup (HFCS) sweeteners from the United States constitute dumping, and it imposed anti-dumping duties for some time, even though NAFTA and WTO dispute resolution panels upheld U.S. claims that the Mexican government colluded with the Mexican sugar and sweetener industries to restrict HFCS imports from the United States. In the last days of 2001, the Mexican Congress imposed a 20% tax on soft drinks made with corn syrup sweeteners to aid the ailing domestic cane sugar industry. President Fox suspended the duties until September 30, 2002, in part because of U.S. objection to the tax and the devastating impact on HFCS and corn sales from the United States, but Mexico's Supreme Court overturned his action. In late 2002, the Mexican Congress extended the 20% tax on soft drinks made with HFCS.

During 2003, there were various efforts to achieve a compromise that would increase Mexican exporters' access to the U.S. sugar market and U.S. exporters' access to the Mexican HFCS market, but no agreement was reached, and in late 2003 the Mexican Congress extended the 20% tax on soft drinks made with HFCS. In October 2003, Corn Products International, Inc., based in Illinois, announced that it was filing a claim for $325 million under NAFTA's investment provisions against Mexico for losses caused by the tax on HFCS-sweetened drinks, and Archer Daniels Midlands (ADM) said that it was planning similar action for over $100 million in damages. In November 2003, Senate Finance Committee Chairman Charles Grassley introduced a bill (S. 1952) that would impose retaliatory tariffs on Mexican tequila and other agricultural products unless Mexico rescinded the tax on HFCS products, and in January 2004 he urged USTR to initiate WTO dispute settlement proceedings against Mexico's HFCS tax. On March 16, 2004, USTR announced that it was initiating WTO dispute settlement proceedings against Mexico's HFCS tax, and on June 22, 2004, the United States formally requested that the WTO establish a dispute settlement panel to consider the U.S. claims. In September 2004, the United States and Mexico selected the panelists for the dispute settlement panel, although producer groups were still hoping to achieve a negotiated settlement. The WTO dispute resolution panel is expected to issue its ruling in May 2005.

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.

On other issues, in early October 2002, the U.S.-Mexico working group on agriculture dealt with major agricultural issues, including Mexico's recent anti-dumping decisions on apples, rice, swine, and beef, and safeguard actions on potatoes. In January 2003, the countries agreed to permit Mexican safeguard measures against U.S. imports of chicken legs and thighs, and in July 2003, these safeguard measures were extended until 2008, with tariffs declining each year. In October 2003, Mexico demanded further consultations on a U.S. request for a WTO dispute panel to rule on Mexico's imposition of anti-dumping duties on U.S. beef and rice imports, but a panel was formed in February 2004 and after a requested delay is expected to make a ruling in March 2005. Mexico banned beef imports from the United States in December 2003 following the discovery of one cow infected with mad cow disease in Washington state. In early March 2004, following the announcement of new U.S. procedures that would exclude unhealthy or downer cattle from the food chain, Mexico announced that it was resuming beef trade with the United States, with some restrictions, and it expanded the list of eligible beef products in early April 2004.

Migration\Border Issues

Nature of the Immigration Problem. Widely cited demographers at the Urban Institute estimated in January 2004 that there were 5.3 million undocumented Mexican migrants residing in the United States in 2002, accounting for 57% of the total estimated illegal alien population of 9.3 million.[6] 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 the loss of life and hardships suffered by Mexican migrants as they utilize increasingly dangerous routes and methods to circumvent tighter border controls. 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

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[6] Urban Institute, *Undocumented Immigrants: Facts and Figures*, by Jeffrey Passel, Randy Capps, and Michael Fix, January 12, 2004, using the March 2002 data from the Current Population Survey (CPS) conducted by the U.S. Bureau of the Census and the Bureau of Labor Statistics. For more detail and comparisons with earlier years, see CRS Report RS21938, *Unauthorized Aliens in the United States: Estimates Since 1986,* by Ruth Ellen Wasem.

workers in the United States to families in Mexico, estimated to be about $10 billion per year.

Congress has passed two major sets of mechanisms for controlling illegal immigration within the last two decades. One set was the Immigration Reform and Control Act of 1986 (P.L. 99-603). Main provisions of the act 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. The other set was the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (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. Both measures reduced the attractiveness of immigration by restricting the eligibility of aliens for federal programs.[7]

Congress also increased funding for the Immigration and Naturalization Service, including the Border Patrol, through the regular Commerce, Justice, State, and Judiciary Appropriations Acts, more than tripling INS's budget from $1.5 billion in FY1993 to $6.2 billion in FY2002.[8] With various groups, including the AFL-CIO in February 2000, calling for amnesty for illegal immigrants in the United States and a more lenient immigration policy, Congress considered measures to increase the number of H-2A agricultural workers and to legalize the status of undocumented aliens through registry and various forms of amnesty.[9]

Bush Administration Initiatives. When President Bush met with President Fox in mid-February 2001, migration issues were among the main topics, with Mexican officials expressing concern about the number of migrants who die each year while seeking entry into the United States. President Fox has been pressing proposals for legalizing undocumented Mexican workers in the United States through amnesty or guest worker arrangements as a way of protecting their human rights. In the Joint Communique following the Bush-Fox meeting, the two presidents agreed to hold cabinet-level negotiations to address migration and labor issues.

During the opening day of President Fox's official visit to Washington, D.C. in early September 2001, he called for the two governments to reach agreement on migration proposals by the end of the year. The Joint Communique issued at the end of the meeting called for the countries to reach agreement as soon as possible on a range of issues, including border safety, a temporary worker program, and the status

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[7] See CRS Report 95-881, *Immigration Legislation in the 104th Congress*, by Joyce Vialet.

[8] For more details, see CRS Report RS20908, *Immigration and Naturalization Service's FY2002 Budget.*

[9] See the following CRS reports by Ruth Ellen Wasem: CRS Report RL30780, *Immigration Legalization and Status Adjustment Legislation*, and CRS Report RL30852, *Immigration of Agricultural Guest Workers: Policy, Trends, and Legislative Issues*.

of undocumented Mexicans in the United States. However, following the September 2001 terrorist attacks, many policymakers called for tighter border controls.

During the Bush-Fox meeting in Monterrey, Mexico, on March 22, 2002, the Presidents noted that important progress had been made to enhance migrant safety, and they agreed to continue the cabinet-level talks to achieve safe, legal, and orderly migration flows between the countries. In the press conference, President Bush called for passage of legislation to extend the period for adjustment to legal status of undocumented persons under Section 245(i) of the immigration act. The Presidents also announced a U.S.-Mexico Border Partnership Action Plan with greater cooperation and technological enhancements at the border and a "Partnership for Prosperity" Action Plan with public-private initiatives to promote domestic and foreign investment in less developed areas of Mexico with high migration rates. During the cabinet-level Binational Commission meetings in Mexico City, on November 25-26, 2002, Secretary of State Powell and Foreign Secretary Castaneda reaffirmed the intention to continue talks toward a migration agreement.

Even so, in 2001 and 2002, most congressional action focused on strengthening border security and alien admission and tracking procedures through the USA Patriot Act of 2001 (P.L. 107-56), and the Enhanced Border Security and Visa Entry Reform Act of 2002 (P.L. 107-173). With a similar security focus, the Homeland Security Act of 2002 (P.L. 107-296) incorporated the INS/Border Patrol, Customs, and other agencies into the new Department of Homeland Security, which officially began operations on March 1, 2003.

In mid-May 2003, 19 migrants from Mexico and Central America died from asphyxiation and heatstroke near Victoria, Texas, after being crammed into an insulated trailer truck, and this incident prompted President Fox to appeal again for U.S. action on an immigration accord. On June 3, 2003, U.S. and Mexican officials announced a joint effort to save the lives of migrants by deploying more resources in the desert regions and by taking more forceful measures against smugglers.

In early 2004, President Bush seeking to revive the immigration discussion, proposed an overhaul of the U.S. immigration system on January 7, 2004, to permit the matching of willing foreign workers with willing U.S. employers when no Americans can be found to fill the jobs. Under the President's proposal, temporary legal status would be available to new foreign workers who have work offers in the United States and to undocumented workers already employed in the United States for a term of three years that could be renewed but would end at some point. The proposal includes some incentives to encourage workers to return to their home countries, such as credit in the worker's national retirement system and tax-deferred savings accounts that could be collected upon return.[10] A few days after his proposal, President Bush met with President Fox in Monterrey, Mexico, for a Special Summit of the Americas, and President Fox welcomed the Bush proposal as a very important

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[10] For information on the President's proposal and the congressional initiatives, see CRS Report RL32044, *Immigration: Policy Considerations Related To Guest Worker Programs*, by Andorra Bruno.

step forward. On January 20, 2004, President Bush called for passage of his immigration reform proposal in the State of the Union address.

In the 108th Congress, legislative initiatives in this area included S. 1387 (Cornyn) that would establish new temporary foreign worker programs under agreements with foreign countries; and S. 1645 (Craig)/H.R. 3142 (Cannon), the "AgJobs" Bill, that would streamline the H-2A agricultural worker program, with provision for adjusting to legal permanent resident (LPR) status. More comprehensive proposals that would grant temporary legal status to foreign workers and to undocumented workers already employed in the United States, with provision for adjusting to LPR status, included S. 1461 (McCain)/H.R. 2899 (Kolbe), S. 2010 (Hagel and Daschle); and S. 2381 (Kennedy)/H.R. 4262 (Gutierrez).

On February 19-20, 2004, Department of Homeland Security Secretary Tom Ridge met with Mexican Government Secretary Santiago Creel in Mexico City to review progress under the U.S.-Mexico Border Partnership. The two leaders signed the U.S.-Mexico Action Plan for Cooperation and Border Safety for 2004, as well as a Memorandum of Understanding on the Safe, Orderly, Dignified and Humane Repatriation of Mexican Nationals. They also committed to develop six new Secure Electronic Network for Traveler's Rapid Inspection (SENTRI) lanes for pre-screened, low-risk individuals, and to develop five new Free and Secure Trade (FAST) lanes for pre-cleared cargo.

On March 5-6, 2004, President Fox visited President Bush at his ranch in Crawford, Texas, and it was announced that Mexicans with border crossing cards would be exempted from the end-of-the-year requirement to be photographed and finger-scanned upon entry into the United States under the US-VISIT program. On a related matter, on June 29, 2004, Mexico and the United States signed a social security totalization agreement, subject to congressional approval, that would eliminate dual social security taxation and fill gaps in benefit protection for affected employees who work in both countries.[11]

On July 22, 2004, the 9/11 Commission issued its final report, calling in one of its recommendations for the United States to undertake major efforts to collaborate with other governments in counter-terrorism efforts and to raise border security standards. The separate House and Senate versions of S. 2845, passed in October 2004, to implement the 9/11 Commission recommendations, contained differing measures to increase immigration law enforcement personnel and to adopt more stringent border control and identity document standards.[12] Some of the differing provisions were among the most difficult to resolve in conference, however.

Eventually, after lengthy negotiations and an agreement to consider the left out matters early in the 109th Congress, the conferees agreed upon a report (H.Rept. 108-

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[11] For information on the totalization agreement and social security payments for non-citizens, see CRS Report RL32004, *Social Security Benefits for Noncitizens: Current Policy and Legislation*, by Dawn Nuschler and Alison Siskin.

[12] For more information, see CRS Report RL32616, *9/11 Commission: Implications for U.S. Immigration Law and Policy*, by Michael John Garcia and Ruth Ellen Wasem.

796) that was filed on December 7, 2004.[13] The conference report was approved by the House and the Senate on December 7 and 8, respectively, and was signed into law (P.L. 108-458) as the Intelligence Reform and Terrorism Prevention Act of 2004 by the President on December 17, 2004. The enacted legislation contains provisions requiring more law enforcement personnel for enforcing immigration laws, closer monitoring of the entry and exit of aliens, and standards for identification documents and drivers' licenses. Under a leadership agreement with certain Representatives, it was agreed that several provisions in the House bill that were dropped in the conference report would be addressed early in the 109th Congress, namely, provisions that would have banned the acceptance of Mexican consular ID cards by Federal officials, that would have prohibited the issuance of drivers' licenses to undocumented aliens, and that would have required the completion of a section of a wall along the border with Mexico in California.

On February 10, 2005, the House passed the REAL ID Act of 2005 (H.R. 418) that would establish identity card standards for the issuance of drivers' licenses, waive laws to facilitate the construction of a border fence, and require a pilot test of ground surveillance technologies at the border. This bill was introduced on January 26, 2005, by Representative Sensenbrenner, as a holdover from consideration of the intelligence reform bill mentioned above. As introduced, H.R. 418 would strengthen the standards for asylum applicants, expand the grounds for inadmissibility and deportability of aliens for terrorist-related activities, establish identity card standards for the issuance of drivers' licenses that would seem to preclude the use of consular ID cards, and provide waivers of laws to ensure expeditious construction of a fence for controlling illegal access on the Mexico-United States border near San Diego, California.[14] As amended, the bill included provisions that facilitated repatriation of aliens ordered deported by clarifying existing delivery bond authority, and that required an assessment of security needs along U.S. borders, a plan to facilitate communications among relevant border agencies, and a pilot project to test ground surveillance technologies to improve border security. On March 16, 2005, the House passed the Emergency Supplemental Wartime Appropriations for FY2005 (H.R. 1268), which included the text of H.R. 418, the REAL ID Act, with identity card standards and provisions to facilitate the completion of fencing along the U.S.-Mexico border. (See the *Legislation* section for more detail.)

On March 23, 2005, President Bush hosted meetings in Texas with President Fox and Prime Minister Martin, in which the leaders established the trilateral

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[13] See Cleared Intelligence Rewrite is Big Finish for the 108th, *CQ Weekly*, Dec. 11, 2004, p. 2937.

[14] For more detail on this measure, see CRS Report RL32754, *Immigration: Analysis of the Major Provisions of H.R. 418, the REAL ID Act of 2005*, by Michael John Garcia, Margaret Mikyung Lee and Todd Tatelman. For more information on the consular ID issue, see CRS Report RL32094, *Consular Identification Cards: Domestic and Foreign Policy Implications, the Mexican Case, and Related Legislation*, by Andorra Bruno and K. Larry Storrs. For more information on national standards for identity documents, see CRS Report RL32722, *Intelligence Reform and Terrorism Prevention Act of 2004: National Standards for Drivers' Licenses, Social Security Cards, and Birth Certificates*, by Todd B. Tatelman. For more information on the border fence, see CRS Report RS22026, *Border Security: Fences Along the U.S. International Border*, by Blas Nuñez-Neto and Stephen R. Viña.

"Security and Prosperity Partnership (SPP) of North America." The SPP will seek to advance the common security and the common prosperity of the countries through expanded cooperation and harmonization of policies. To operationalize this partnership, the leaders established Ministerial-led working groups that are to develop measurable and achievable goals in the specified areas and to report back to the leaders within 90 days and semi-annually thereafter.

Drug Trafficking Issues

Nature of the Problem. Mexico remains a major supplier of heroin, methamphetamine, and marijuana, and the major transit point for cocaine sold in the United States. Although U.S.-Mexico counter-narcotics efforts have been marked by distrust at times in the past, with criticisms mounting in March of each year when the President was required to certify that drug producing and drug transit countries were cooperating fully with the United States, relations have been improving in recent years. In the late 1990s, Congress acted to strengthen Border Patrol and international interdiction efforts along the Southwest Border, and it passed the Foreign Narcotics Kingpin Designation Act (P.L. 106-120), which strengthened the President's authority under the International Emergency Economic Powers Act (IEEPA) to block the assets in the United States of designated international drug traffickers. Following the July 2000 election of Vicente Fox as President of Mexico, bills were introduced but not enacted to exempt Mexico from the drug certification requirements or to modify the requirements.[15]

Executive-Legislative Actions. President Bush certified, on March 1, 2001, as previous presidents had done, that Mexico had been a fully cooperative country in efforts to control drug trafficking. He cited the arrest of two key members of the Tijuana-based Arellano Felix Organization, aggressive eradication programs, and growing cooperation with the United States by the new Fox Administration. In presidential meetings in 2001, Presidents Bush and Fox agreed to enhance law enforcement and counter-narcotics cooperation, and President Fox called for reform of the U.S. drug certification process. The Senate Foreign Relations Committee reported out S. 219 and S. 1401 in 2001 to modify the drug certification process, but no final action was taken. Instead, the certification requirements were temporarily modified in late 2001 by enactment of the Foreign Operations Appropriations Act for FY2002 (H.R. 2506/P.L. 107-115). This measure waived the drug certification requirements for FY2002 and required the President to designate only countries that had demonstrably failed to meet international counter-narcotics obligations.[16]

The Bush Administration's overall drug control policy, as articulated in February 2002, seeks to prevent drug use before it starts through education and community action, to provide adequate treatment resources for drug users, and to disrupt the marketplace for drugs at home and abroad through eradication, interdiction, and anti-money-laundering activities. The State Department's March

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[15] See CRS Report 98-174, *Mexican Drug Certification Issues: U.S. Congressional Action, 1986-2002*.

[16] See CRS Report RL30892, *Drug Certification Requirements and Congressional Modifications in 2001-2002*, by K. Larry Storrs.

2002 International Narcotics Control Strategy Report noted that Mexico's efforts had resulted in tangible successes against the three major drug cartels in the country — the Arellano Felix Organization (AFO), the Carrillo Fuentes Organization (CFO), and the Gulf Cartel. It also noted that the Fox Administration sustained the aggressive eradication program carried out by past administrations and increased the quantities of drugs seized. Later that month, Mexican authorities announced the arrest of drug lord Benjamin Arellano-Felix, the killing of his brother Ramon Arellano Felix, and the arrest of Manuel Herrera Barraza, another key figure in the Arellano Felix organization.[17]

In September 2002, Congress passed and the President signed the Foreign Relations Authorization for FY2003 (P.L. 107-228), with Section 706 of the act dealing with International Drug Control Certification Procedures. The new procedures require the President to make a report, not later than September 15 of each year, identifying the major drug transit or major illicit drug producing countries. At the same time, he is required to designate any of the named countries that has "failed demonstrably," during the previous 12 months, to make substantial efforts to adhere to international counter-narcotics agreements (defined in the legislation) and to take other counter-narcotics measures.[18]

In November 2002, President Fox presented a tougher, more comprehensive, multi-year National Drug Control Plan, which recognized Mexico's growing drug problem and the need for greater cooperation among agencies, while noting Mexican successes against major drug traffickers. U.S. officials praised Mexico's counter-narcotics efforts when President Bush's drug certification determinations were made in late January 2003, under new procedures, and when the State Department issued the International Narcotics Control Strategy Report in early March 2003. In mid-March 2003, Mexican law enforcement authorities captured alleged drug kingpin Osiel Cardenas-Guillen, reputed head of the Gulf Cartel.

On July 31, 2003, Mexican and U.S. officials announced the dismantlement of the Zambada Garcia drug cartel after a 19-month investigation that led to the arrest of 240 people in Mexico and the United States and the seizure of significant quantities of illicit drugs. On September 15, 2003, when President Bush designated the worst offending countries in counter-narcotics efforts under the new certification and designation procedures, there was no mention of Mexico. In a troubling development, in late January 2004, a number of Mexican state police officers were

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[17] See CRS Report RL31412, *Mexico's Counter-Narcotics Efforts under Fox, December 2000 to April 2002,* by K. Larry Storrs.

[18] U.S. assistance would be withheld from any designated countries unless the President determines that the provision of assistance to that country is vital to the national interest of the United States or that the designated country subsequently made substantial counter-narcotics efforts. Notwithstanding the general suspension of the previous drug certification and sanctions procedures, subsection 706(5)(B) provides that the President may apply those procedures at his discretion. A transition rule provides that for FY2003, the required report was to be submitted at least 15 days before foreign assistance funds are obligated or expended.

being held in the border state of Chihuahua on suspicion of involvement with drug traffickers in the killing of 11 men from rival drug gangs.[19]

According to the State Department's March 2005 International Narcotics Control Strategy Report (INCSR), Mexico is the leading transit point for cocaine entering the United States, the leading foreign source of marijuana, one of two major suppliers of heroin, and a major producing and transit country for methamphetamine and other synthetic drugs. Despite Mexico's major role as a producing and transit country, the Fox Administration was credited with carrying out major efforts to eradicate and seize illicit drugs, with achieving tangible results against drug trafficking organizations, and with providing unprecedented cooperation with the United States. The State Department reported, however, that numerous U.S. extradition requests were denied based on the Mexican prohibition against life sentences and capital punishment.

In recent law enforcement actions with U.S.-Mexico cooperation, alleged Central American drug trafficker Otto Herrera-Garcia was arrested in Mexico on April 21, 2004, on drug trafficking charges, and Mexican national Jaime Ross-Castillo was arrested in Mexico on the same day on money-laundering charges. Later, Efrain Perez and Jorge Arellano Felix, two alleged lieutenants of the Arellano-Felix Organization (AFO) drug cartel, were arrested in Mexico on June 3, 2004. Still later, Ramiro Hernández, an alleged leader of the Gulf drug cartel, was arrested on August 10, 2004, and Gilberto Higuera Guerrero, an alleged leader of the Sinaloa drug cartel, was arrested on August 22, 2004. On October 19, 2004, DEA officials announced the dismantling of a major Mexican money-laundering and drug trafficking organization operating in the United States. On November 24, 2004, the U.S. Treasury added the names of six leaders of the Arellano Feliz Organization, a Mexican narcotics cartel, to the list of persons subject to economic sanctions and restrictions under the Foreign Narcotics Kingpin Designation Act. On March 16, 2005, the U.S. Immigration and Customs Enforcement (ICE) agency announced that 10 members of a Mexican drug cartel responsible for smuggling cocaine into the United States had been arrested in Dallas, Texas, after an 18-month international investigation.

Political and Human Rights Issues

Concerns over Elections and Political Rights. Over the years, major attention has focused on the fairness of elections in Mexico because the Institutional Revolutionary Party or PRI controlled the presidency until 2000, all gubernatorial posts until the 1990s, and had solid control of the two chambers of the Mexican Congress until 1997, although the PAN had made progress in capturing control of major cities for several decades. Following the controversial July 1988 presidential election, however, major electoral reforms were enacted in the early 1990s and the mid-1990s, and subsequent elections produced a number of opposition victories and increasingly pluralistic legislatures.

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[19] For more detail, see CRS Report RL32669, *Mexico's Counter-Narcotics Efforts under Fox, December 2000 to October 2004*, by K. Larry Storrs.

In the period leading to the July 2000 presidential and congressional elections, former Government Minister Francisco Labastida was selected as the candidate of the PRI in an open nation-wide primary. Efforts by the PAN and the PRD to agree on a common candidate for the opposition came to an impasse, and former Governor of Guanajuato Vicente Fox was designated as the presidential candidate for the PAN, and former mayor of the Mexico City Federal District Cuauhtemoc Cardenas was designated as the presidential candidate for the PRD. On July 2, 2000, Vicente Fox of the Alliance for Change (PAN/PVEM) was elected President with 42.52% of the vote, marking the first election of a president from an opposition party in 71 years and erasing many doubts about the fairness of elections.[20]

On July 6, 2003, Mexico held nation-wide elections to renew the membership of the 500-seat Chamber of Deputies, and to elect local officials in ten states. Official results indicated that President Fox's conservative National Action Party (PAN) fared poorly, winning only 31% of the seats in the Chamber and two of the six governorships in contention. The previously long-ruling centrist Institutional Revolutionary Party (PRI) secured a dominant position in the Chamber with 45% of the seats, and it won four of the six gubernatorial races, while the leftist Party of the Democratic Revolution (PRD) increased representation in the Chamber to 19% of the seats, and consolidated local control in the Mexico City Federal District.[21]

In 2003, the Federal Electoral Institute (IFE) assessed steep fines against the two largest parties in the country for irregularities in campaign financing during the 2000 presidential election. In February 2003, the IFE assessed a fine against the PRI for illegally receiving funds for the 2000 campaign from the union of the Mexican petroleum monopoly (Pemex). In October 2003, the IFE assessed fines against the PAN and the PVEM for illegally receiving foreign contributions from the Amigos de Fox (Friends of Fox) organization in the 2000 campaign. In April 2004, the IFE imposed major fines upon all of Mexico's political parties for irregularities during the July 2003 Chamber of Deputies election, including five whose registry expired because of inadequate voting support, for exceeding campaign spending limits and other violations of law.

In 2004, considerable attention focused on the state and municipal elections in a number of states. In local elections in the state of Yucatan on May 16, 2004, the PAN won in 50 municipalities, including the capital city of Mérida, while the PRI won 50 and the PRD won 5 municipalities. In the state assembly, the PAN will have 13 deputies, the PRI will have 10, and the PRD will have 2. In state elections in Chihuahua, Durango, and Zacatecas on July 4, 2004, the PRI in alliance with the PVEM and the PT retained the governorships in Chihuahua and Durango, while the PRD in alliance with PAN retained control in Zacatecas. In state elections on August 1, 2004, the PRI won the mayoral race in the northern border city of Tijuana and claimed victory in the gubernatorial race in southern Oaxaca state where the result was contested, while the PAN won the gubernatorial election in Aguascalientes. On

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[20] For more detail, see CRS Report RS20611, *Mexico's Presidential, Legislative, and Local Elections of July 2, 2000*, by K. Larry Storrs.

[21] For more detail, see CRS Report RS21561, *Mexico's Congress and July 2003 Elections*, by K. Larry Storrs.

September 5, 2004, the PRI won the governorship in Veracruz in disputed elections, and on October 3, 2004, the PRI generally won in municipal elections in Oaxaca and Chiapas, winning control of several major cities previously controlled by the PAN.

Allegations of Human Rights Abuses. According to the State Department's report issued in late February 2005 on human rights conditions in 2004, the Mexican government generally respected human rights during the year, but many serious problems remained. The conduct of state law enforcement officials and the human rights situations in the southern states of Guerrero, Chiapas, and Oaxaca were areas of special concern. Kidnaping was a major problem, with unofficial estimates of 3,000 kidnapings during the year, some allegedly with police involvement. There were credible reports that the police sometimes tortured suspects to force confessions and that these confessions were used in prosecution despite a constitutional prohibition. While the government took action against some improper behavior by law enforcement personnel, many officers committed crimes with impunity, and without fear of prosecution. Narcotics-related killings and violence increased, particularly in the northern border states, and there were credible reports that police and military forces were protecting drug traffickers. Despite various judicial reforms, lengthy pretrial detentions, lack of due process, and judicial inefficiency and corruption persisted. Three journalists were killed in northern border areas and others were threatened. Human rights workers were subjected to attacks, although reports of such attacks diminished. Violence and discrimination against women, indigenous people, religious minorities, homosexuals, and individuals with HIV/AIDS persisted. Finally, there were reports of restrictions on freedom of association and inadequate protection of worker rights.

President Fox, even before taking office, appointed well known human rights activist Mariclaire Acosta as a Special Ambassador for Human Rights, and Mexican spokesmen have asserted that Mexico will be open to visits by human rights organizations and foreign visitors and will take strong human rights positions. Immediately after his inauguration, President Fox signed an agreement with the United Nations to provide technical assistance on human rights. The killing of human rights lawyer Digna Ochoa y Placido on October 19, 2001, raised questions about the government's human rights policies, and prompted calls for prompt action by the government from domestic and foreign human rights organizations. Criticism has also been expressed over the government's allegations in May and June 2002 and again in July 2003 that her death may have been a suicide. President Fox freed two well known Mexican environmentalists that Digna Ochoa had represented and defended, namely Rodolfo Montiel and Teodoro Cabrera, on November 8, 2001.

The National Commission on Human Rights presented a report to President Fox, on November 27, 2001, that documented human rights abuses and disappearances of persons in the 1970s and early 1980s, and President Fox named legal scholar Ignacio Carrillo as a Special Prosecutor to investigate these and other cases on January 4, 2002. President Fox ordered the release from prison of General Jose Francisco Gallardo on February 9, 2002, but did not pardon him, despite the fact that human rights groups argue that his conviction in military courts for theft and corruption was fabricated because of his advocacy of a human rights ombudsman for the Mexican military. On May 31, 2002, 26 indigenous peasants were killed in an incident in southern Oaxaca, and 15 men and one woman were arrested in early June

2002 for the killings that were purportedly motivated by longstanding land disputes in the area. In June 2002, President Fox signed a new Freedom of Information Act for Mexico, and released secret government archives. In late September 2002, Mexican army officers General Mario Arturo Acosta and Francisco Quiros, both already in prison on drug trafficking charges, were charged, along with retired Major Francisco Javier Barquin, with homicide for the killings of 143 anti-government activists in the 1970s.

On March 24, 2003, authorities charged Luis de la Barreda Moreno, the former head of the now disbanded secret police, with torture and murder of alleged guerrilla leader Jesus Piedra Ibarra in the mid-1970s. Although the Mexican government has arrested a number of suspects for involvement in the past abuses, Human Rights Watch issued a report in late July 2003 arguing that the special prosecutor has failed to produce significant results, and that the office has received inadequate support from the government. Critics argue that the government has been reluctant to press human rights issues while courting support from the long-ruling PRI, and they point to the elimination, in early August 2003, of the position of Special Ambassador for Human Rights as evidence.

In late January 2004, President Fox named a special prosecutor to coordinate the federal and state efforts to find and punish those responsible for a decade of slayings of over 300 women in Ciudad Juarez, across the border from El Paso, Texas. On February 18, 2004, the former chief of Mexico's secret police, Miguel Nazar Haro, was arrested and charged with the torture and murder of alleged guerrilla leader Jesus Piedra Ibarra in the mid-1970s. On July 24, 2004, a Mexican judge refused the special prosecutor's request for an arrest warrant against former President Luis Echeverria for involvement in a 1971 massacre, on grounds that the statute of limitations had expired. On December 10, 2004, President Fox, responding to an analysis by the UN High Commission for Human Rights, presented a series of proposed human rights reforms that would discourage torture and strengthen the rights of defendants in Mexico.

Legislation in the 109th Congress

Emergency Supplemental Appropriations for FY2005 (H.R. 1268, Division B)/ REAL ID Act of 2005 (H.R. 418)

H.R. 418 was introduced on January 26, 2005, by Representative Sensenbrenner, as a holdover from consideration of the Intelligence Reform and Terrorism Prevention Act of 2004 (S. 2845/P.L. 108-458) in December 2004. H.R. 418 was referred to the House Committees on the Judiciary, Homeland Security, and Government Reform, but no formal consideration was undertaken. As introduced, this bill would strengthen the standards for asylum applicants, expand the grounds for inadmissibility and deportability of aliens for terrorist-related activities, establish identity card standards for the issuance of drivers' licenses that would seem to preclude the use of consular ID cards, and provide waivers of laws to facilitate construction of a fence on the border.

H.R. 418 was considered on February 9-10, 2005, under a structured rule, H.Res. 71 (H.Rept. 109-3) and H.Res. 75 (H.Rept. 109-4), allowing a manager's amendment and five additional amendments. Two amendments were defeated: the Nadler amendment that sought to strike Section 101 with strengthened asylum standards, and the Farr amendment that sought to strike Section 102 with waivers of laws to facilitate construction of a border fence. Three amendments were approved: the Sessions amendment that facilitated repatriation of aliens ordered deported by clarifying existing delivery bond authority, the Castle amendment that required the entry into aviation security screening databases of information on anyone convicted of using a false drivers' license for boarding an airplane, and the Kolbe amendment that required an assessment of security needs along U.S. borders, a plan to facilitate communications among relevant agencies along the border, and a pilot project to test ground surveillance technologies to improve border security.

On March 16, 2005, the House passed the Emergency Supplemental Appropriations for FY2005, which included the text of H.R. 418, the REAL ID Act (H.R. 1268, Division B), with identity card standards and provisions to facilitate the completion of fencing along the U.S.-Mexico border.

For Additional Reading

CRS Products

CRS Report RL32616. *9/11 Commission: Implications for U.S. Immigration Law and Policy*, by Michael John Garcia and Ruth Ellen Wasem.

CRS Report RL32094. *Consular Identification Cards: Domestic and Foreign Policy Implications, the Mexican Case, and Related Legislation,* by Andorra Bruno and K. Larry Storrs.

CRS Report RL32038. *Drug Certification/Designation Procedures for Illicit Narcotics Producing and Transit Countries*, by K. Larry Storrs.

CRS Report RL30892. *Drug Certification Requirements and Congressional Modifications in 2001-2002*, by K. Larry Storrs.

CRS Issue Brief IB88093. *Drug Control: International Policy and Options*, by Raphael Perl.

CRS Report RL32169. *Immigration Legislation and Issues in the 108th Congress*, by Andorra Bruno, Coordinator.

CRS Report RL32044. *Immigration: Policy Considerations Related to Guest Worker Programs,* by Andorra Bruno.

CRS Report RL31386. *Industry Trade Effects Related to NAFTA*, by M. Angeles Villarreal.

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

CRS Report RL32669. *Mexico's Counter-Narcotics Efforts Under Fox, December 2000 to October 2004*, by K. Larry Storrs.

CRS Report RL31412. *Mexico's Congress and July 2003 Elections*, by K. Larry Storrs.

CRS Report RS20611. *Mexico's Presidential, Legislative, and Local Elections of July 2, 2000,* by K. Larry Storrs.

CRS Report 97-861. *NAFTA Labor Side Agreement: Lessons for the Worker Rights and Fast-Track Debate,* by Mary Jane Bolle.

CRS Report RS21737. *NAFTA at Ten: Lessons from Recent Studies*, by J.F. Hornbeck.

CRS Report 97-291. *NAFTA: Related Environmental Issues and Initiatives,* by Mary Tiemann.

CRS Report RL32004. *Social Security Benefits for Noncitizens: Current Policy and Legislation*, by Dawn Nuschler and Alison Siskin.