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THE U.S.- MEXICO DOUBLE FIX:

COMBATING THE FLOW OF GUNS TO TRANSNATIONAL ORGANIZED CRIME

WRITTEN BY

KATHI LYNN AUSTIN, EXECUTIVE DIRECTOR, CONFLICT
AWARENESS PROJECT

BRIAN FRESKOS, SENIOR RESEARCHER & DATA ANALYST, CONFLICT
AWARENESS PROJECT

DESIGNED BY INA THIGITH, SENIOR PRODUCTION
ASSOCIATE, PACIFIC COUNCIL ON INTERNATIONAL
POLICY

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ACRONYMS AND ABBREVIATIONS

AMLO	Andrés Manuel López Obrador
AOR	Area of Responsibility
ATF	U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives
ATT	Arms Trade Treaty
Bicentennial Framework	Bicentennial Framework for Security, Public Health, and Safe Communities
BSCA	Bipartisan Safer Communities Act (2022)
CAP	Conflict Awareness Project
CBP	U.S. Customs and Border Protection
CIFTA	Inter-American Convention against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials
CITAAC	Inter-American Convention on Transparency in Conventional Arms Acquisitions
CNDH	Comisión Nacional de los Derechos Humanos
DEA	U.S. Drug Enforcement Agency
DHS	U.S. Department of Homeland Security
DOD	U.S. Department of Defense
DOJ	U.S. Department of Justice
EUM	End-Use Monitoring
FBI	U.S. Federal Bureau of Investigation
FFL	Federal firearms licensee
FGR	Fiscalía General de la República
Firearms Protocol	Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition
GAO	U.S. Government Accountability Office
HSI	U.S. Homeland Security Investigations
HSLD	High-Level Security Dialogue
INL	U.S. Bureau of International Narcotics and Law Enforcement Affairs
IOI	Industry Operations Investigator
LEA	Law enforcement agency
OCDETF	U.S. Organized Crime Drug Enforcement Task Forces
Pacific Council	Pacific Council on International Policy
PLCAA	Protection of Lawful Commerce in Arms Act
SEA	Safe Explosives Act
SEDENA	Secretaría de la Defensa Nacional
TCO	Transnational Criminal Organization
Treasury	U.S. Department of the Treasury
USAID	U.S. Agency for International Development

EXECUTIVE SUMMARY

The U.S. and Mexico are grappling with daunting security crises stemming from the trafficking of hundreds of thousands of guns over the U.S. southern border every year. These weapons are empowering Mexican transnational criminal organizations and inflicting substantial suffering in both countries. This report underscores how reducing cross-border gun trafficking is crucial for achieving the goals of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities—a bilateral security agreement announced nearly two years ago. By implementing our recommendations, the U.S. and Mexico can more effectively combat illicit gun flows, saving lives and improving prosperity.

THE STAKES

U.S.-to-Mexico gun trafficking fuels many of the major security challenges faced by both nations. It has contributed to drug trafficking and abuse, leading to an unprecedented number of U.S. drug overdose deaths in 2021. In Mexico, U.S. guns have undermined legitimate government authority and facilitated historic levels of armed violence, with the number of reported murders skyrocketing 75 percent between 2015 and 2022. The violence precipitated by the recipients of these guns has enabled human traffickers as record numbers of people from Mexico, Central America, and the Caribbean are forced to flee their communities and seek haven in the U.S.

ADVANCING THE AGENDA

Since opening a new era of security cooperation under the Bicentennial Framework, the U.S. and Mexico have pledged to work together to disrupt and apprehend arms traffickers within U.S. borders. The U.S. has increased prosecutorial resources, moved to curtail ghost gun proliferation, and passed the

landmark Bipartisan Safer Communities Act, which made gun trafficking and straw purchasing federal crimes. Mexico has created a presidential commission and a new law enforcement unit dedicated to strategic enforcement against firearms trafficking.

CRITICAL GAPS

Interviews with U.S. and Mexican stakeholders made clear that there remain serious impediments to reducing U.S.-to-Mexico gun trafficking under the Bicentennial Framework. These impediments include constraints and limited information-sharing in relation to the tracing of recovered crime guns, weak U.S. restrictions on assault weapons and .50-caliber rifles, and insufficient resources for U.S. gun dealer compliance enforcement. The U.S. must intensify efforts against gun industry members complicit in illegal cross-border gun flows, and Mexico needs to curtail the diversion and illicit distribution of guns downstream. Metrics to evaluate bilateral efforts against gun trafficking are lacking, and this has hindered necessary evaluation. Because stakeholders in the U.S. often lack comprehensive knowledge about the areas of responsibility of agencies in Mexico, and vice versa, there is a risk of confusion, miscommunication, and overlapping efforts.

COUNTER-ARMS TRAFFICKING TOOLS

Effectively combating gun trafficking requires the U.S. and Mexico to avail themselves of a range of strategies. One crucial approach is the follow-the-guns methodology, which involves tracing recovered crime guns back through their supply chains to uncover routes, channels, and methods used in U.S.-to-Mexico gun trafficking. A whole-of-government approach requires the U.S. to create a central authority to ensure a shared strategic vision, effective prioritization, innovation, and systematic coordination to address gun trafficking. Subnational participation in both countries is key for streamlining the implementation of federal programs and effecting tailored solutions that address regional challenges. Export and import controls – including end-use monitoring – need to be strengthened to prevent legal U.S. gun exports to Mexico from being diverted to criminals and rogue security forces.

Additionally, adopting a comprehensive approach that includes Central American and Caribbean countries is essential, as they face interconnected challenges related to illicit U.S. arms flows and TCOs. Aligning with human rights norms and global arms instruments is also vital, as U.S. gun policies have impacts beyond its borders, and committing to international agreements can help prevent illegal guns from reaching the wrong hands globally. Finally, case studies on arms trafficking challenges can inform policy-making and foster stronger U.S.-Mexico cooperation.



IMAGE VIA AFP/GETTY IMAGES

LOOKING FORWARD

The U.S. and Mexican governments have pledged to consider new methods, tools, and technologies for addressing bilateral security challenges. During the Bicentennial Framework’s policy process, both countries should prioritize transparency and the public release of data to ensure opportunities for academics, civil society organizations, and other external stakeholders to provide recommendations against illicit arms proliferation and ensure efficient implementation of gun trafficking prevention initiatives.

External stakeholders should consider engaging in collaborative activities — such as open-source monitoring and reporting — to increase understanding of firearms trafficking, diversion, and misuse. Collaborative activities could play a pivotal role in capacity-building efforts and assistance for institutional reforms and transparency. By promoting accountability and the rule of law, external stakeholders can help thwart the diversion of guns to criminals and rogue security forces, curtailing the pervasive influence of corruption and impunity.



A cross reading “No Mas Muertes” (No More Deaths) marks an unknown grave site in Terrace Park Cemetery in Holtville, California. The cemetery holds the remains of hundreds of unidentified migrants who died while making the treacherous journey from Mexico. Photo by Tish Lampert.

RECOMMENDATIONS

To reduce U.S.-to-Mexico gun trafficking, both countries must address four core responsibilities:

1. Foster robust alignment and coordination among relevant policy, enforcement, and intelligence agencies within each nation to ensure effective binational collaboration.
2. Enhance forensics, data sharing, and analysis capabilities to facilitate targeted interventions against criminal networks involved in arms trafficking.
3. Intensify efforts to increase accountability in the U.S. gun industry and address contributing factors to arms diversion throughout the entire arms supply chain.
4. Robustly support preventative strategies that encourage the active participation of subnational-level actors, civil society, and the private sector.



A husband and wife embrace after Border Patrol guards open a gate along the U.S. southwest border so families torn apart by deportation can spend a few minutes together as part of the “Door of Hope” program in November 2017. Photo by Tish Lampert.



01. Introduction

Introduction

In March 2023, four U.S. citizens driving to the Mexican city of Matamoros were shot at and abducted by a group of Gulf Cartel members shortly after crossing the border. Two of the Americans and a Mexican bystander were killed. Mexican authorities rescued the two surviving Americans within days, and the U.S. subsequently charged a Texas man with supplying a gun used in the kidnappings and murders.¹

The swift and coordinated response demonstrated the U.S. and Mexico’s capacity to effectively address violent acts by transnational criminal organizations (TCOs) when there is a clear resolve from both countries. A week after the kidnappings occurred, the U.S. and Mexico announced the launch of Phase II of the Bicentennial Framework for Security, Public Health, and Safe Communities. This bilateral agreement — forged by presidents Joe Biden and Andrés Manuel López Obrador in 2021 — has paved the way for a stronger U.S.-Mexico security partnership. Recognizing the interconnected nature of their security challenges, both nations have pledged to “bring all of their resources to bear against the cartels and transnational criminal organizations that kill and exploit citizens for enormous profits.”²

To achieve the Bicentennial Framework’s objectives, it is crucial for the U.S. and Mexico to significantly reduce the trafficking of guns over the U.S. southern border. The use of a U.S.-sourced weapon by Mexican cartel members in the Matamoros kidnapping underscores the public safety threat that U.S.-to-Mexico gun trafficking poses to people living in each country. Researchers and the Mexican government estimate that traffickers smuggle hundreds of thousands of guns from the U.S. into Mexico every year.³ This so-called River of Iron has provided TCOs the means to maintain and grow their power, resulting in mass violence, human harm, challenges to legitimate governmental authority, and unprecedented security crises on both sides of the border.⁴

To reduce the illegal flow of U.S. arms into Mexico, both countries must address four core responsibilities:

- (1) Foster robust alignment and coordination among relevant policy, enforcement, and intelligence agencies within each nation to ensure effective binational collaboration.

¹ *United States of America v. Roberto Lugardo Moreno*, Criminal Complaint, Dkt. 1, Case No. 1:23-mj-00245 (S.D. Tex.), Attachment A.

² The White House, “[Joint Statement from Mexico and the United States on the Launch of Phase II of the Bicentennial Framework for Security](#)” (10 March 2023).

³ Topher McDougal, David A. Shirk, Robert Muggah, and John H. Patterson, “[The Way of the Gun: Estimating Firearms Traffic Across the U.S.-Mexico Border](#),” Igarapé Institute, the University of San Diego Trans-Border Institute (March 2013), pg. 2. Also see *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et al.*, Complaint, Dkt. 1, Case No. 1:21-cv-11269 (D. Mass.), para. 437-438.

⁴ The term TCO is often used interchangeably with drug cartels and drug trafficking organizations. Throughout this report, we will refer to these groups as TCOs except when cited sources use different terminology. For a better understanding of these TCOs, see June S. Beittel, “[Mexico: Organized Crime and Drug Trafficking Organizations](#),” Congressional Research Service (7 June 2022).

- (2) Enhance forensics, data sharing, and analysis capabilities to facilitate targeted interventions against criminal networks involved in arms trafficking.
- (3) Intensify efforts to increase accountability in the U.S. gun industry and address contributing factors to arms diversion throughout the entire arms supply chain.
- (4) Robustly support preventative strategies that encourage the active participation of subnational-level actors, civil society, and the private sector.

Seizing on this watershed moment in U.S.-Mexico relations, the Pacific Council and the Conflict Awareness Project (CAP) have entered into a joint partnership to pursue a high-level change model aimed at improving U.S.-Mexico security cooperation and reducing the illegal movement of guns to TCOs. The U.S.-Mexico Security Cooperation Project — which we have dubbed the “U.S.-Mexico Double Fix” — is part of our broader initiative to promote better bilateral collaboration, foster public awareness, facilitate expert dialogue, educate policymakers, and ultimately improve people’s lives. As part of the project’s first phase, the research team is examining one of the Bicentennial Framework’s most vital components: reducing the trafficking of U.S. arms to Mexico.

The findings in this report are based on meetings we conducted with policymakers, civil society actors, and other experts in each country. We also traveled to the U.S.-Mexico border and analyzed open-source data to gain further insight into relevant issues. In the lead-up to publication, we began releasing a series of blog articles and social media posts about U.S.-to-Mexico gun trafficking in an effort to keep stakeholders apprised of our work and to educate the public.

This report is the first in our project policy series. It aims to advance U.S.-Mexico security cooperation, with a specific emphasis on examining the capability of the Bicentennial Framework to counter illicit arms flows and U.S.-to-Mexico gun trafficking. We begin with an overview of the stakes and benefits inherent in a robust bilateral partnership. We then provide some historical context to the U.S.-Mexico security relationship, followed by a progress report on initial binational efforts to translate Bicentennial Framework statements into actions. We go on to address emerging challenges and key tools that could further enhance security cooperation. We conclude with practical recommendations for relevant stakeholders, including government officials, non-governmental organizations, and civil society actors.



02. Why Bilateral Security Cooperation Matters

Why Bilateral Security Cooperation Matters

The well-being and security of the U.S. and Mexico are intricately linked and mutually dependent, necessitating a concerted effort to foster collaboration and address shared challenges. Both countries recognize that developments in one nation can have profound implications for the other, spanning various areas such as tourism, trade, migration, public health, and regional stability. Therefore, cultivating a strong bilateral security partnership and engaging in cooperative initiatives is imperative in order to promote the collective interests and enhance the overall prosperity, safety, and stability of both nations.

The illegal flow of U.S. guns into Mexico presents a major bilateral security challenge, primarily by empowering the TCOs that engage in violence and destroy lives in both countries. These TCOs often converge in the U.S.-Mexico border region, where they rely on overlapping networks to smuggle cash, drugs, weapons, and humans across national boundaries.⁵ Estimates on the number of U.S. guns trafficked to Mexico each year range from 200,000 to 730,000. At the high end, that is some 2,000 guns crossing the U.S. southern border every day.⁶

What is transnational organized crime?

A national security strategy released by the U.S. government in July 2011 defines transnational organized crime as self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, and monetary and/or commercial gains, wholly or in part by illegal means.⁷ Such associations are often referred to as transnational criminal organizations (TCOs). TCOs engage in a broad range of illicit activities, including drug and weapons trafficking, migrant smuggling, human trafficking, cybercrime, intellectual property theft, money laundering, wildlife and timber trafficking, illegal fishing and illegal mining.⁸

Among the predominant TCOs operating in the U.S. and Mexico are the Sinaloa Cartel and the Jalisco New Generation Cartel. Armed with U.S. guns trafficked over the border, these two TCOs dominate U.S. wholesale distribution of cocaine, methamphetamine, heroin, and fentanyl.⁹

⁵ Interview with Mexican officials, May 2022, Washington, D.C.

⁶ For a summary of these estimates, see *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et al.*, Expert Report of Lucy P. Allen, Dkt. 108-1, Case No. 1:21-cv-11269 (D. Mass.), pg. 5. Also see The Brookings Institution, “[Rethinking U.S.-Latin American Relations](#)” (November 2008), pg. 24; and U.S. Government Accountability Office, “[U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis](#),” GAO-21-322 (February 2021), pg. 1.

⁷ U.S. National Security Council, “[Strategy to Combat Transnational Organized Crime](#)” (July 2011).

⁸ The White House, “[Executive Order on Establishing the United States Council on Transnational Organized Crime](#)” (15 December 2021).

⁹ U.S. Drug Enforcement Administration, “[2020 National Drug Threat Assessment](#)” (March 2021).

A. Drug Trafficking & Abuse

Through the acquisition of U.S.-origin firearms, TCOs have been able to maintain control over lucrative drug smuggling routes across the U.S.-Mexico border. The U.S. demand for illegal drugs — estimated to be worth more than USD \$100 billion a year¹⁰ — is a huge incentive for TCOs to fight to preserve their drug trafficking operations.

The arming of TCOs has contributed to what is recognized as the deadliest drug crisis in U.S. history.¹¹ Drug overdose is now the leading cause of death for Americans ages 18 to 49,¹² and the leading cause of poisoning fatalities among children who are 5 years old or younger.¹³ Fentanyl — a synthetic opioid that is up to 50 times stronger than heroin — accounts for much of this scourge.¹⁴ In 2021, the number of Americans who lost their lives to drug overdoses hit an all-time high of more than 106,000.¹⁵ Fentanyl and other synthetic opioids (excluding methadone) were an underlying cause in more than 70,000 — 66 percent — of these deaths. This is a massive increase from a decade prior, when fentanyl and other synthetic opioids (excluding methadone) were an underlying cause in about 2,600 U.S. overdose deaths, or 6 percent of the total.¹⁶

¹⁰ Rand Corporation, “[Americans' Spending on Illicit Drugs Nears \\$150 Billion Annually; Appears to Rival What Is Spent on Alcohol](#)” (20 August 2019).

¹¹ National Institute on Drug Abuse, “[Drug Overdose Death Rates](#)” (9 February 2023). Also see Patty Housman, “[To the Point: The Fentanyl Crisis, Why Now, Why So Deadly?](#)” American University (17 May 2023).

¹² Mary Beth Sheridan and Kevin Sieff, “[Mexico captures son of El Chapo, alleged fentanyl trafficker, ahead of Biden visit](#),” The Washington Post (5 January 2023).

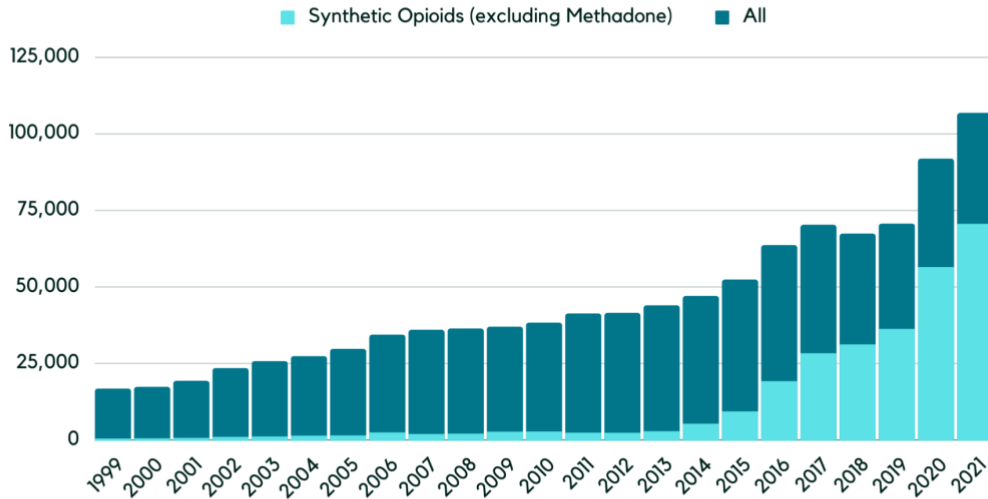
¹³ Christopher E. Gaw et al., “[Characteristics of Fatal Poisonings Among Infants and Young Children in the United States](#),” Journal of Pediatrics (8 March 2023).

¹⁴ Centers for Disease Control and Prevention, “[Fentanyl Facts](#)” (23 February 2022).

¹⁵ National Institute on Drug Abuse, “[Drug Overdose Death Rates](#)” (9 February 2023).

¹⁶ Calculations are based on data from the U.S. Centers for Disease Control and Prevention’s CDC Wonder Online Database. Drug overdose deaths were identified using the following International Classification of Diseases, Tenth Revision (ICD-10) underlying cause of death codes: unintentional drug poisoning (X40-X44), suicide drug poisoning (X60-X64), homicide drug poisoning (X85), and drug poisoning of undetermined intent (Y10-Y14). Drug overdose deaths involving fentanyl and other synthetic opioids (other than methadone) were identified using ICD-10 code for other synthetic narcotics (T40.4). The National Institute on Drug Abuse has indicated that this category is primarily made up of overdose deaths involving fentanyl. See National Institute on Drug Abuse, “[Drug Overdose Death Rates](#)” (9 February 2023). Also see Christine L. Mattson et al., “[Trends and Geographic Patterns in Drug and Synthetic Opioid Overdose Deaths — United States, 2013–2019](#),” Morbidity and Mortality Weekly Report (12 February 2021).

U.S. Drug-Involved Overdose Deaths



Annual totals include deaths with International Classification of Diseases, 10th Revision (ICD-10) underlying cause-of-death codes unintentional drug poisoning (X40-X44), suicide drug poisoning (X60-X64), homicide drug poisoning (X85), and drug poisoning of undetermined intent (Y10-Y14). Overdose deaths involving synthetic opioids (excluding methadone) were identified using the ICD-10 for other synthetic narcotics (T40.4). Source: U.S. Centers for Disease Control and Prevention, CDC Wonder Online Database.

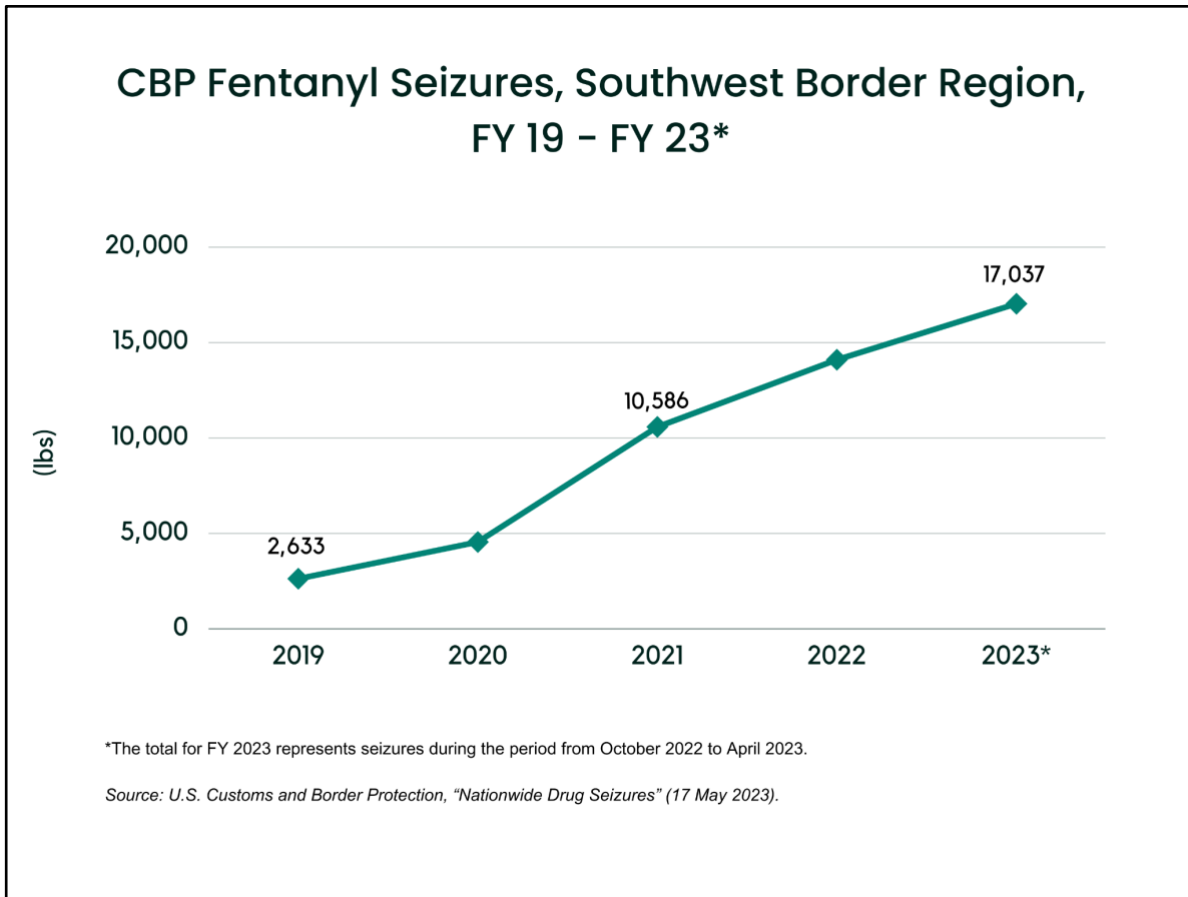
There is a widespread consensus among U.S. officials that most of the fentanyl consumed in the U.S. is produced in Mexico and smuggled over the border.¹⁷ In the first seven months of fiscal year 2023, U.S. Customs and Border Protection seized more than 17,000 pounds of fentanyl in the Southwest Border region, six times the amount seized in all fiscal year 2019.¹⁸ According to the U.S. Drug Enforcement Administration (DEA), the Sinaloa and Jalisco New Generation cartels are the primary traffickers of fentanyl into the U.S.¹⁹ In February 2023, one top DEA official told Congress that these two Mexican cartels posed “the greatest criminal drug threat the United States has ever faced.”²⁰

¹⁷ Mark Stevenson, “Mexican president to US: Fentanyl is your problem,” The Associated Press (9 March 2023).

¹⁸ U.S. Customs and Border Protection, “Nationwide Drug Seizures” (17 May 2023).

¹⁹ Katie Cooper, “Briefing on the Senate Foreign Relations Committee Countering Illicit Fentanyl Trafficking Hearing,” The Wilson Center (24 February 2023).

²⁰ Tom Howell Jr., “Sinaloa, Jalisco cartels in Mexico are the greatest drug threat in U.S. history, DEA official says,” The Washington Times (1 February 2023).

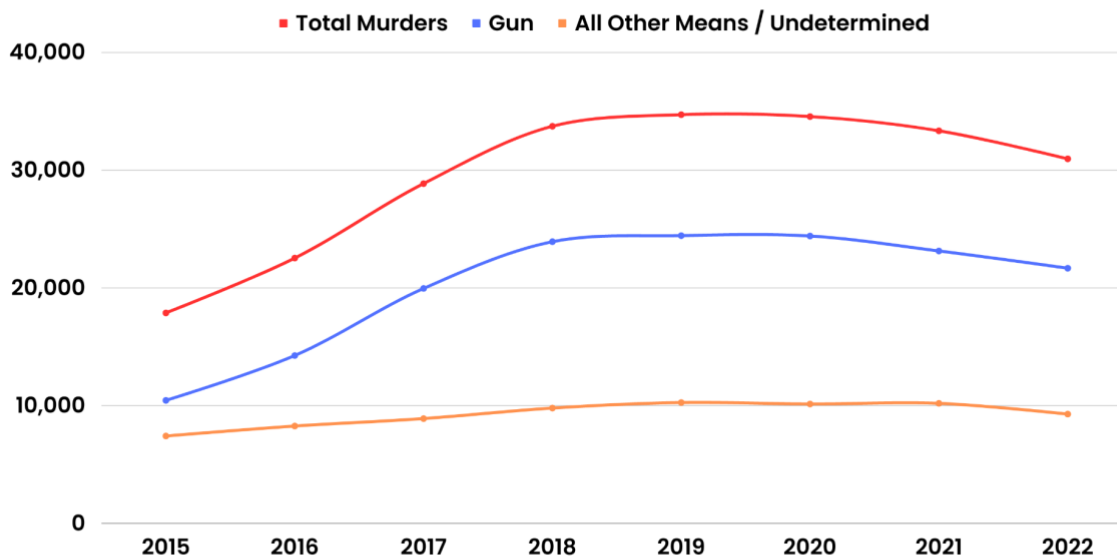


B. Armed Violence

In Mexico, the influx of illicit U.S. guns has fueled a wave of bloodshed, with the number of reported murders skyrocketing nearly 75 percent between 2015 and 2022, from about 18,000 to 31,000. Out of the nearly 237,000 murders reported over that 8-year period, nearly 70 percent — 162,000 — were committed with a firearm.²¹

²¹ Calculations based on statistics from Mexico's Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (SESNSP).

Murders Reported in Mexico, by Method



The category "All Other Means / Undetermined" includes murders committed with bladed weapons, as well as murders for which the method was listed as "Other Means" or "Undetermined." Source: *Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública (SESNSP)*

As alarming as they are, Mexico's murder statistics are likely undercounted, as the bodies of many homicide victims are never found. The country has recorded more than 100,000 forced disappearances. Ninety-seven percent of these occurred after 2006 in the context of the war against drug trafficking and organized crime.²² The crisis gained international notoriety in 2014, when 43 students from the Ayotzinapa Rural Teachers College in Guerrero state vanished after mistakenly disrupting a drug smuggling operation to the U.S.²³ The remains of most of the students have never been found.²⁴

TCO violence has also impacted the electoral and media landscape in Mexico. More than 100 Mexican politicians were reportedly killed in the lead up to the 2021 midterm elections.²⁵ For journalists, Mexico ranks as one of the world's most dangerous countries. In 2022 alone, 11 journalists were murdered in Mexico. That is nearly 20 percent of the overall number of journalists killed

²² UN News, "[Mexico: Given the more than 100,000 disappeared, the UN urges the government to combat impunity](#)" (17 May 2022).

²³ Jeremy Krypt, "[We Finally Know How 43 Students on a Bus Vanished Into Thin Air](#)," The Daily Beast (10 October 2021).

²⁴ Vanessa Buschschlüter, "[Mexico missing students: Knowns and unknowns](#)," BBC (25 August 2022).

²⁵ June S. Beittel, "[Mexico: Organized Crime and Drug Trafficking Organizations](#)," Congressional Research Service (7 June 2022) , pg. 1-2.

worldwide that year, and it positioned Mexico as a more perilous environment for the media than countries embroiled in active warfare, such as Ukraine and Syria.²⁶

The Battle of Culiacán

On October 17, 2019, Mexican security forces tried to arrest Ovidio Guzmán, a son of the notorious drug lord known as El Chapo, in the Sinaloa state capital of Culiacán. The operation triggered intense resistance from the Sinaloa Cartel, which dispatched convoys of heavily armed men in machine gun-mounted pickup trucks to confront government forces.²⁷ Thirteen people were reportedly killed in the hours of fierce gun battles and chaos that followed.²⁸ Saying it wanted to avoid further bloodshed, the Mexican government eventually decided to release Guzmán, who was wanted on U.S. federal drug trafficking charges.²⁹ The botched arrest refocused attention on the U.S. as a primary source of firearms for Mexican cartels and sent these groups the clear message that victory over the Mexican government was attainable if they brought sufficient firepower.³⁰

C. Irregular Migration

People have been uprooted from their homes across Mexico because of the violence engendered by the illicit flow of U.S. guns to Mexican cartels and rogue security forces. A total of 36,682 people in Mexico reported leaving their towns in 2021 because of suffering or witnessing acts of violence against themselves, relatives, or members of their community. That marks a nearly five-fold increase from 2020, when there were 7,486 cases of displacement.³¹

The problem extends into Central America, which has similarly been inundated with U.S.-sourced guns.³² Many of these guns were legally exported from the U.S. before being diverted to criminal groups.³³ According to the Congressional Research Service, between fiscal years 2018 and 2021, violence precipitated the exodus of approximately 1.5 million people from Central America's Northern Triangle region,³⁴ the majority of whom were bound for the U.S.³⁵

²⁶ Reporters Without Borders, "[2022 Round-up: Journalists detained, killed, held hostage and missing](#)" (accessed 15 June 2023), pg. 13.

²⁷ Kevin Steff, "[The failed arrest of El Chapo's son turned a Mexican city into an urban war zone](#)," The Washington Post (18 October 2019).

²⁸ The Associated Press, "[Mexico officials raise death toll from Culiacan battle to 13](#)" (23 October 2019).

²⁹ Philip Luke Johnson, "[Revisiting the Battle of Culiacán](#)," NACLA (22 November 2019).

³⁰ Gladys McCormick and Linnea Sandin, "[Abrazos no Balazos — Evaluating AMLO's Security Initiatives](#)," Center for Strategic and International Studies (13 December 2019).

³¹ Julian Resendiz, "[Number of Mexicans displaced by violence grows nearly five-fold in 2021](#)," Border Report (11 May 2022).

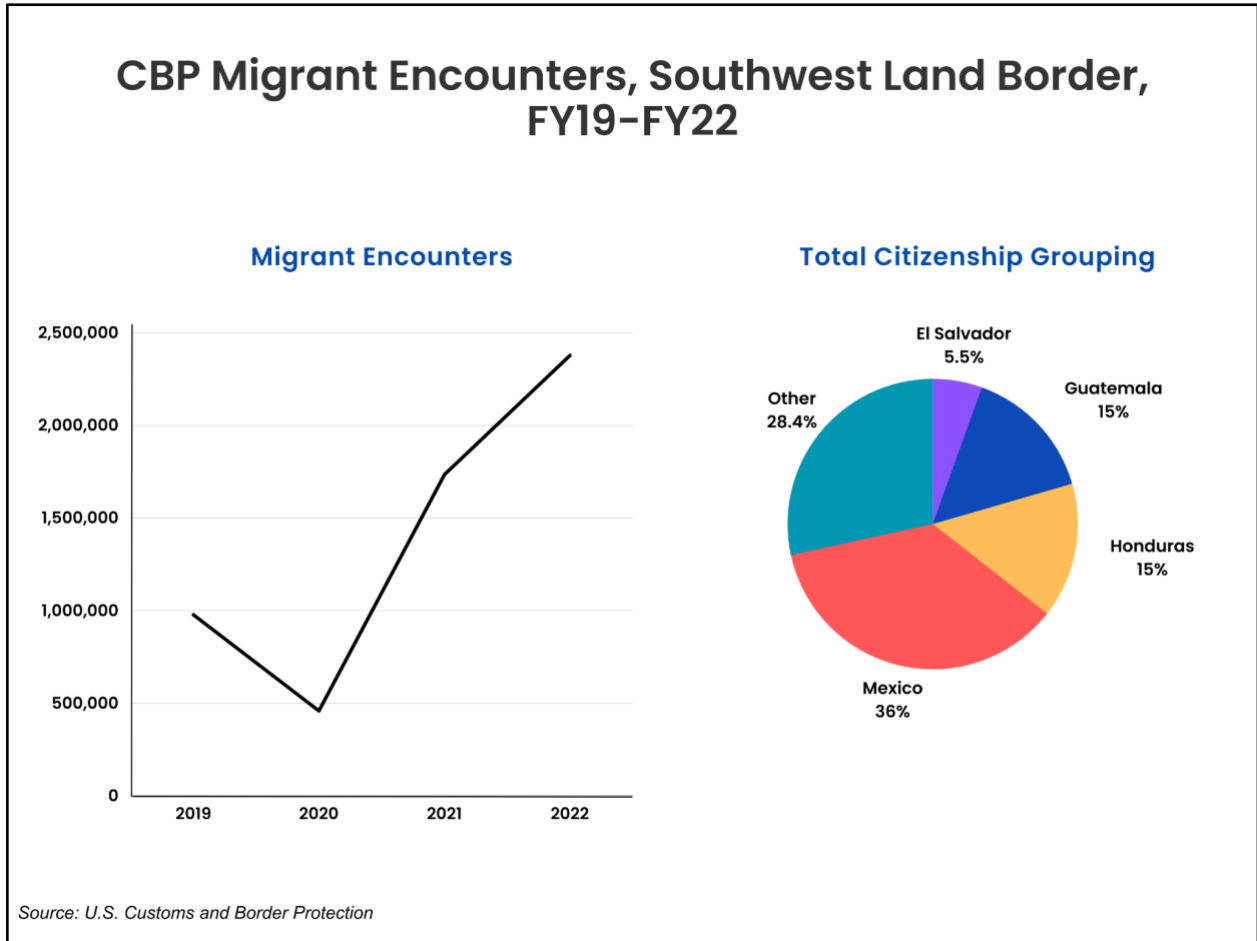
³² Reuters, "[U.S. must stem 'iron river' of guns flowing to Latin America, activists say](#)," NBC News (18 April 2023).

³³ U.S. Government Accountability Office, "[Firearms Trafficking: More Information Is Needed To Inform U.S. Efforts in Central America](#)," GAO-22-104680 (January 2022).

³⁴ The Northern Triangle region consists of Guatemala, Honduras, and El Salvador.

³⁵ Peter J. Meyer, "[Central American Migration: Root Causes and U.S. Policy](#)," Congressional Research Service (12 December 2022).

Many Central American migrants transit through Mexico on their way to the U.S., a humanitarian challenge impacting both countries.³⁶ According to U.S. Customs and Border Protection (CBP), the number of migrant encounters at the Southwest Border surged 143 percent between fiscal years 2019 and 2022, from about 977,500 to a record of more than 2.37 million. CBP reported encountering a total of about 5.5 million migrants over that four-year period. While Mexican citizens made up the largest share of these migrants, nearly as many — more than 35 percent — hailed from El Salvador, Honduras, or Guatemala.³⁷



D. Linked Economies

The instability fueled by U.S.-to-Mexico gun trafficking poses a significant threat to both nations’ economies, which are intricately linked. The two countries share a 2,000-mile border with 47 active ports of entry and approximately one million crossings each day.³⁸ In 2021, they traded goods and

³⁶ Chelsea Latifi, “5 Things to Know About Central American Migration,” Project Hope (11 May 2023).

³⁷ U.S. Customs and Border Protection, “Southwest Land Border Encounters” (17 May 2023).

³⁸ U.S. Department of State, “U.S. Relations with Mexico” (16 September 2022).

services worth more than USD \$725 billion. That represents an average of more than USD \$1.3 million in bilateral commerce every minute. Mexico became the U.S.'s top trading partner in 2023.³⁹ One study found that if trade between the U.S. and Mexico stopped, 4.9 million Americans would be out of work.⁴⁰ An estimated 1.6 million Americans live in Mexico, and more Americans travel to Mexico than any other nationality, supporting a tourism industry that makes up a significant share of Mexico's GDP.⁴¹

Perhaps nowhere is the vitality of the U.S.-Mexico economic partnership more apparent than in the region known as CaliBaja, encompassing the southernmost counties of California and the municipalities of Baja California in Mexico.⁴² With a regional GDP of USD \$250 billion and a staggering USD \$70 billion in annual cross-border trade flows, CaliBaja stands as the largest integrated economic zone along the U.S.-Mexico border.⁴³ Each day, approximately 60,000 people living in CaliBaja cross the border on their way to work, making the San Ysidro and El Chaparral ports of entry some of the world's busiest land border crossings.⁴⁴ This interconnectedness has helped make CaliBaja a dominant force in North American manufacturing, particularly in sectors such as audio and video equipment, medical supplies, and semiconductors, among others.⁴⁵

³⁹ David J. Lynch, "U.S. companies are buying less from China as relations remain tense," *The Washington Post* (6 August 2023). Also see Christopher Wilson, "Growing Together: How Trade with Mexico Impacts Employment in the United States," *The Wilson Center* (November 2016).

⁴⁰ Tourism accounted for more than 7 percent of Mexico's GDP in 2021. That was nearly double the share of Mexico's GDP made up by agriculture, forestry, and fishing, which accounted for 3.9 percent that year. See Christopher Wilson, "Growing Together: How Trade with Mexico Impacts Employment in the United States," *The Wilson Center* (November 2016); and The World Bank, "Agriculture, forestry, and fishing, value added (% of GDP) - Mexico" (accessed 5 July 2023).

⁴¹ U.S. Department of State, "U.S. Relations with Mexico" (16 September 2022). Also see Carmen Colosi and Caroline Hammer, "What the Matamoros Kidnapping Says About the State of Cartel Violence in Mexico," *Worldview* (21 March 2023).

⁴² The region includes San Diego and Imperial counties in California and the municipalities of Ensenada, Mexicali, Rosarito, San Quintin, Tecate and Tijuana in the Mexican state of Baja California. See Trigio Canedo Rivas et al., "The CaliBaja Regional Economy," *University of San Diego Knauss School of Business, The Ahlers Center for International Business* (2022), pg. 2.

⁴³ Trigio Canedo Rivas et al., "The CaliBaja Regional Economy," *University of San Diego Knauss School of Business, The Ahlers Center for International Business* (2022), pg. 2.

⁴⁴ Trigio Canedo Rivas et al., "The CaliBaja Regional Economy," *University of San Diego Knauss School of Business, The Ahlers Center for International Business* (2022), pg. 3. Also see Smart Border Coalition, "The Border Between the U.S. and Mexico" (accessed 15 June 2023).

⁴⁵ Trigio Canedo Rivas et al., "The CaliBaja Regional Economy," *University of San Diego Knauss School of Business, The Ahlers Center for International Business* (2022), pg. 3.



03. From Mérida to the Bicentennial: A Historical Primer on the U.S.-Mexico Security Relationship

From Mérida to the Bicentennial: A Historical Primer on the U.S. – Mexico Security Relationship

The modern history of U.S.-Mexico security cooperation is a complex and evolving narrative, shaped by factors such as shared interests, geopolitical dynamics, and the growing threat of transnational organized crime. U.S. crackdowns on Colombian cocaine traffickers in the 1980s and 1990s resulted in Mexican TCOs taking over most of the transnational cocaine trafficking chain. By the mid-2000s, Mexican TCOs had established footholds across Central America and the capacity to smuggle large quantities of drugs and other contraband into the U.S.⁴⁶

The growing power and influence of Mexican TCOs resulted in increased violence as conflicts erupted over territory and smuggling routes.⁴⁷ After taking office in 2006, Mexican President Felipe Calderón launched the so-called Mexican Drug War in a bid to quash the major drug trafficking organizations.⁴⁸ However, believing his administration would be unable to tackle these organizations alone, in March 2007, Calderón reached out to then-U.S. President George W. Bush for assistance. Calderón's request led to the Mérida Initiative, a Congressionally authorized package of U.S. anti-drug and rule-of-law assistance to Mexico and Central America.⁴⁹ The Mérida Initiative would have major implications for both nations for nearly a decade and half.⁵⁰

A. The Mérida Era: Drawing Lessons from the Past

The efficacy of Mérida remains a subject of intense debate. On one hand, the initiative's emphasis on "shared responsibility" marked a positive turning point in U.S.-Mexico relations by recognizing that criminal violence and illegal drugs were not isolated issues; they were shared challenges requiring the combined efforts of both countries.⁵¹ The initiative produced significant changes and growth in bilateral military cooperation, the formation of a number of U.S.-Mexico law enforcement partnerships, and the strengthening of customs and immigration procedures on both sides of the

⁴⁶ United Nations Office on Drugs and Crime, "[Transnational Organized Crime in Central America and the Caribbean](#)" (December 2012), pg. 31. Also see Eric L. Olson, "[The Evolving Merida Initiative and the Policy of Shared Responsibility in U.S.-Mexico Security Relations](#)," The Wilson Center (February 2017), pg. 3.

⁴⁷ Eric L. Olson, "[The Evolving Merida Initiative and the Policy of Shared Responsibility in U.S.-Mexico Security Relations](#)," The Wilson Center (February 2017), pg. 3.

⁴⁸ Clare Ribando Seelke, "[Mérida Initiative for Mexico and Central America: Funding and Policy Issues](#)," Congressional Research Service (19 April 2010), pg. 2.

⁴⁹ Clare Ribando Seelke, "[Mérida Initiative for Mexico and Central America: Funding and Policy Issues](#)," Congressional Research Service (19 April 2010), pg. 3. The Mérida Initiative was named after the Mexican city on the Yucatán Peninsula that hosted presidents Calderón and Bush at the initiative's inception. See U.S. Senate Committee on Foreign Relations, "[Judicial and Police Reforms in Mexico: Essential Building Blocks for a Lawful Society](#)" (9 July 2012).

⁵⁰ Clare Ribando Seelke, "[Mexico: Evolution of the Mérida Initiative, FY2008-FY2021](#)," Congressional Research Service (20 September 2021).

⁵¹ The notion of "shared responsibility" has carried over into the Bicentennial Framework. See U.S. Department of State, "[Summary of the Action Plan for U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)" (31 January 2022).

border.⁵² By deepening and institutionalizing security cooperation between the two countries, Mérida paved the way for continued U.S.-Mexico collaboration for decades to come.⁵³

However, the implementation of Mérida encountered difficulties in fulfilling some crucial commitments.⁵⁴ Gaining a better understanding of some of these failings can guide future bilateral security collaborations and help the U.S. and Mexico avoid the same pitfalls.

1. The Kingpin Strategy

During Mérida, the U.S. provided intelligence and other assistance in furtherance of Mexico's use of high-value targeting, also known as the kingpin strategy, to dismantle major drug trafficking organizations.⁵⁵ As U.S.-supported actions took out the leaders of these organizations, they fragmented and began engaging in a more diverse range of illicit activities, including oil theft, kidnapping, and human trafficking.⁵⁶ According to the International Crisis Group, the number of criminal groups in Mexico more than doubled between 2010 and late 2020, from 76 to 205.⁵⁷

The demise of the traditional kingpins, who had long associations, often familial, and were understood to have ruled their cartel armies in a hierarchical fashion from a central position, has led to smaller, highly fractured, competitive, and often ultra-violent groups.

- Excerpt from June S. Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations," Congressional Research Service (7 June 2022).

The diversification of the TCOs made them more difficult to combat and resulted in soaring levels of violence as they battled one another for leadership, territorial dominance, and control of lucrative smuggling routes into the U.S.⁵⁸ These turf wars increased the demand for firearms among these groups, and the U.S. black market offered them an easy source of supply.

⁵² U.S.-Mexico Security Cooperation Task Force, "[U.S.-Mexico Security Cooperation 2018-2024](#)," University of California, San Diego (accessed 15 June 2023).

⁵³ See Yulia Vorobyeva and Ryan Berg, "[The Mérida Initiative may be dead, but restarting US-Mexico security cooperation will be crucial](#)," Latin America and Caribbean Centre (6 January 2021).

⁵⁴ Clare Ribando Seelke, "[U.S.-Mexico Security Cooperation: From the Mérida Initiative to the Bicentennial Framework](#)," Congressional Research Service (12 December 2022).

⁵⁵ Guadalupe Correa-Cabrera, "[The End of the Mérida Initiative?](#)" Georgetown Journal of International Affairs (Spring 2022).

⁵⁶ Clare Ribando Seelke and Kristin Finklea, "[U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond](#)," Congressional Research Service (29 June 2017), pg. 3. With U.S. support, Mexican forces killed or captured leaders of the Zetas, Beltrán Leyva, Juárez, and Arellano Félix cartels. See Mary Beth Sheridan, "[Violent criminal groups are eroding Mexico's authority and claiming more territory](#)," The Washington Post (29 October 2020).

⁵⁷ International Crisis Group, "[Crime in Pieces: The Effects of Mexico's 'War on Drugs,' Explained](#)" (May 2022).

⁵⁸ Clare Ribando Seelke and Kristin Finklea, "[U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond](#)," Congressional Research Service (29 June 2017), pg. 9. Also see Catherine Osborn, "[The U.S.-Mexico Drug War Gets a Rebrand](#)," Foreign Policy (15 October 2021).

2. Militarizing Public Security

Absent a reliable, professional federal police force, Mexico grew reliant on the military for combating drug cartels, criminal violence, and other public security challenges. After initiating the Drug War, Calderón billed the deployment of troops to confront organized crime as a temporary measure to assist outgunned civilian police. However, by the time Calderón's presidency came to a close, the military's presence had become permanent in many areas, effectively supplanting rather than supporting police forces.⁵⁹ President Enrique Peña Nieto extended Mexico's militarized public security strategy after assuming office in 2012, with the number of soldiers in policing roles doubling within the first four years of his term.⁶⁰ The U.S. backed Mexico's approach with billions of dollars in funding through the Mérida Initiative to support, train, and equip the country's security forces.⁶¹

President Peña Nieto has maintained a reactive approach of deploying federal forces — including the military — to areas in which crime surges rather than focusing on police reform and deterring violence and human rights abuses by strengthening the criminal justice sector.

- Excerpt from Clare Ribando Seelke and Kristin Finklea, "[U.S.-Mexican Security Cooperation: The Mérida Initiative and Beyond](#)," Congressional Research Service (29 June 2017).

Increasing the Mexican military's role in public security had predictably disastrous consequences for human rights, particularly as the military lacked both enforcement and community policing experience. By 2019, more than 10,000 complaints of Mexican soldiers committing human rights violations had flooded into the country's National Human Rights Commission (Comisión Nacional de los Derechos Humanos, or CNDH), and the armed forces had been implicated in numerous documented cases of torture, forced disappearance, and extrajudicial killing, among other abuses.⁶² The militarized strategy was not only ineffective at reducing violence but may have also contributed to Mexico's rise in homicides. Only a couple of years before the strategy's rollout, the U.S. had allowed its federal assault weapons ban to expire. Mexican criminal groups now had easy access to more lethal U.S. weaponry, enabling them to match or even surpass the firepower of the Mexican military.

⁵⁹ Daniel Wilkinson, "[Mexico: The Militarization of Public Security](#)," Human Rights Watch (5 October 2018).

⁶⁰ Michael Lohmuller, "[More Soldiers on Mexico Streets Fails to Improve Security](#)," Insight Crime (7 October 2016).

⁶¹ José Olivares, "[Mexicans Fear Abuses As New Law Empowers Military — But U.S. Security Aid Keeps Coming](#)," The Intercept (24 March 2018).

⁶² Maureen Mayer, "[Mexico's Proposed National Guard Would Solidify the Militarization of Public Security](#)," WOLA (10 January 2019). Also see Human Rights Watch, "[Neither Rights Nor Security: Killings, Torture, and Disappearances in Mexico's 'War on Drugs'](#)" (9 November 2011).

3. Gun Walking

Between 2006 and 2011, the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives carried out a series of sting operations as part of Project Gunrunner, a law enforcement initiative aimed at dismantling firearms trafficking networks operating between the U.S. and Mexico.⁶³ One of these stings was named Operation Fast and Furious. The operational strategy involved intentionally allowing suspected straw purchasers (i.e., illegal gun purchases by third parties) to buy firearms in the hopes of tracking them to higher-level criminals in Mexican drug cartels.⁶⁴

This controversial tactic, known as "gun walking," involved not immediately arresting the straw purchasers and instead allowing the firearms to "walk" across the border.⁶⁵ The ATF believed that by tracking the firearms to their ultimate destinations, they could identify key figures involved in the illegal arms trade, build stronger cases against the leaders of trafficking operations, and dismantle the cartels' infrastructure.⁶⁶

One of the main issues with Operation Fast and Furious was the ATF's inability to effectively track and recover the firearms they allowed to flow into the black market. A significant number of the guns were used in crimes in the U.S. and Mexico, contributing to violence in both countries.⁶⁷ The operation was exposed after two AK-pattern rifles were linked to the 2010 killing of U.S. Border Patrol agent Brian Terry, who was fatally shot during a firefight with armed bandits suspected of robbing drug smugglers along the U.S.-Mexico border.⁶⁸

Operation Fast and Furious sparked public outrage, congressional investigations, and legal repercussions. The operation's failure exposed the fragmentation of U.S. federal agencies, the absence of a coherent strategy for tackling gun trafficking, and serious flaws in the ATF's handling of firearms trafficking cases. It also strained the U.S.-Mexico security relationship, as Mexican authorities were not fully informed about the operation.⁶⁹ The consequences of Operation Fast and Furious underscore the importance of maintaining strong bilateral collaboration throughout the planning and operational stages of initiatives against cross-border firearms trafficking.

⁶³ NPR, "[Why Operation Fast And Furious Failed](#)" (21 June 2012).

⁶⁴ U.S. Department of Justice Office of the Inspector General, "[A Review of ATF's Operation Fast and Furious and Related Matters](#)" (2012), pg. 1.

⁶⁵ NPR, "[Why Operation Fast And Furious Failed](#)" (21 June 2012).

⁶⁶ See U.S. Department of Justice Office of the Inspector General, "[A Review of ATF's Operation Fast and Furious and Related Matters](#)" (2012).

⁶⁷ U.S. Department of Justice Office of the Inspector General, "[A Review of ATF's Operation Fast and Furious and Related Matters](#)" (2012), pg. 1.

⁶⁸ Paul Ingram, "[Man convicted in 'Fast and Furious' murder of U.S. border agent sentenced to life](#)," Reuters (8 January 2020); Sari Horwitz, "[Operation Fast and Furious: A gunrunning sting gone fatally wrong](#)," Washington Post (26 July 2011).

⁶⁹ See Emily Schepers, "[Furious reaction to U.S. gun exporting scheme](#)," People's World (7 July 2011).

B. Mérida's Demise

While the U.S.-Mexico security relationship did improve during the first decade of Mérida, the relationship took a significant downward turn after U.S. President Donald Trump entered the White House in January 2017.⁷⁰ Trump's incendiary rhetoric towards Mexico, harsh immigration policies, and threats to dismantle the North American Free Trade Agreement significantly undermined the progress in bilateral relations made over the previous decade.⁷¹

In Mexico, meanwhile, the future of the Mérida Initiative faced uncertainty as escalating violence, human rights abuses, and concerns about national sovereignty hindered support for the program.⁷² As the country's voters geared up to elect Peña Nieto's replacement, then-candidate Andrés Manuel López Obrador made overhauling domestic security policy a key plank of his platform.⁷³ He promised to curtail the military's involvement in public security and focus on socioeconomic interventions against crime, encapsulating his strategy with the slogan "abrazos, no balazos" (hugs, not bullets).⁷⁴ Ultimately, López Obrador's message resonated, and in December 2018, he was sworn in as Mexico's first leftist president in seven decades.⁷⁵

The new Mexican president did not hold back on voicing skepticism about Mérida's effectiveness. Less than six months after taking office, López Obrador publicly suggested redirecting Mérida funding away from combating narcotrafficking and toward economic development for impoverished areas in southern Mexico and Central America.⁷⁶ He also abolished the U.S.-trained and -equipped Federal Police and replaced it with a new National Guard composed primarily of military personnel, a move at odds with his expressed desire to pursue alternatives to military-style interventions.⁷⁷

⁷⁰ Dan Restrepo, Michael Werz, and Joel Martinez, "[Preserving and Strengthening the U.S.-Mexico Relationship](#)," Center for American Progress (30 January 2017).

⁷¹ Jesús Velasco, "[The Future of U.S.-Mexico Relations: A Tale of Two Cities](#)," James A. Baker III Institute for Public Policy, Rice University (August 2018), pg. 3.

⁷² United States Institute of Peace, "[Elite Capture and Corruption of Security Sectors](#)" (February 2023), pg. 64.

⁷³ Ryan C. Berg, "[The Bicentennial Framework for Security Cooperation: New Approach or Shuffling the Pillars of Mérida?](#)," Center for Strategic & International Studies (29 October 2021). Also see Ryan C. Berg and Alejandro Poiré, "[In Mexico, AMLO's Presidency Turned One](#)," Foreign Policy (16 December 2019).

⁷⁴ Joshua Partlow and David Agren, "[Mexico's presidential front-runner, AMLO, doesn't want to escalate the drug war](#)," The Washington Post (30 June 2018). Also see Daniel Wilkinson, "[Mexico: The Militarization of Public Security](#)," Human Rights Watch (5 October 2018); Gladys McCormick and Linnea Sandin, "[Abrazos no Balazos' — Evaluating AMLO's Security Initiatives](#)," Center for Strategic and International Studies (13 December 2019). Also see Esteban Illades, "[Mexico's AMLO doubles down on a failed security policy: militarization](#)," The Washington Post (20 January 2019).

⁷⁵ BBC, "[Mexico's López Obrador sworn in as first leftist president in decades](#)" (2 December 2018).

⁷⁶ Mary Beth Sheridan, "[Mexico's president just says no to U.S. cash to fight drug crime](#)," The Washington Post (9 May 2019).

⁷⁷ Clare Ribando Seelke, "[Mexico: Evolution of Mérida Initiative 2007-2021](#)," Congressional Research Service (13 January 2021). While the National Guard was initially under nominal civilian control, AMLO successfully pushed to hand control over to the Mexican army in 2022, saying the move would protect the guard from budget cuts. See Steve Fisher, "[Amlo promised to take Mexico's army off the streets — but he made it more powerful](#)," The Guardian (27 September 2022); and The Associated Press, "[Mexican army swallows up national guard to take on bigger policing role](#)," The Guardian (15 June 2021).

In October 2020, U.S. law enforcement arrested Mexico's former defense minister, General Salvador Cienfuegos, on drug trafficking and corruption charges after he arrived at the Los Angeles International Airport for a family vacation.⁷⁸ Cienfuegos had for years worked with U.S. counterparts on combating TCOs, and his arrest angered López Obrador and other Mexican officials, who were not forewarned of the U.S. investigation.⁷⁹ Pressure from the López Obrador administration eventually prompted the U.S. to release Cienfuegos and hand over the evidence against him so Mexican authorities could conduct their own investigation. Nevertheless, López Obrador and his congressional allies retaliated by passing sharp restrictions on foreign agents, a law clearly aimed at limiting the operational capacity of U.S. law enforcement working in Mexico. Instead of prosecuting Cienfuegos, Mexico dismissed the case and released the U.S. evidence file, potentially compromising U.S. law enforcement sources and methods.⁸⁰

Although the foreign agent restrictions were later eased, the U.S. arrest and Mexico's response strained the trust between the two countries.⁸¹ U.S. program funding for Mérida continued into 2021.⁸² But except for migration enforcement, meaningful bilateral security cooperation under the initiative was all but dead.

C. The Bicentennial Framework: A New Chapter in U.S.-Mexico Relations

The Mérida Initiative unraveled as the U.S. was ramping up for its 2020 presidential election. Joe Biden, the Democratic frontrunner, vowed to scale back the war on drugs and fight the opioid epidemic with more resources for addiction treatment and prevention.⁸³ For López Obrador, the controversial rhetoric and policies of Trump made negotiating a new security pact with his administration a political nonstarter. But after Biden's inauguration led to a reorientation of U.S. drug policy — putting it more in line with López Obrador's social agenda — an opportunity to reset bilateral relations emerged.⁸⁴

⁷⁸ Tim Golden, "[The Cienfuegos Affair: Inside the Case that Upended the Drug War in Mexico](#)," *The New York Times* (12 December 2022).

⁷⁹ Drazen Jorgic and Mark Hosenball, "[In shock move, U.S. abandons drugs case against ex-Mexican defense minister](#)," *Reuters* (17 November 2020). Also see Evan Ellis, "[Organized Crime in Mexico and the Evolving Government Response](#)," *Global Americans* (18 August 2022).

⁸⁰ Vanda Felbab-Brown, "[The US-Mexico security relationship in 2021](#)," *The Brookings Institution* (19 January 2021).

⁸¹ Vanda Felbab-Brown, "[López Obrador's Missiles](#)," *Mexico Today* (18 December 2020). Also see Vanda Felbab-Brown, "[US-Mexico security collaboration won't be easily resurrected](#)," *The Brookings Institution* (30 July 2021).

⁸² Clare Ribando Seelke, "[Mexico: Evolution of the Mérida Initiative, FY2008-FY2021](#)," *Congressional Research Service* (20 September 2021).

⁸³ German Lopez, "[Joe Biden's new plan to end the opioid epidemic is the most ambitious in the field](#)," *Vox* (6 March 2020).

⁸⁴ The White House, "[Fact Sheet: U.S.-Mexico High-Level Security Dialogue](#)" (8 October 2021). Also see Mary Beth Sheridan, "[Facing stunning levels of deaths, U.S. and Mexico revamp strained security cooperation](#)," *The Washington Post* (8 October 2021).

The U.S. and Mexico were cognizant of the Mérida Initiative’s poor track record and the way it was negatively viewed in the press and among civil society stakeholders.⁸⁵ In 2021, the two countries quietly worked to agree on a new bilateral strategy that would effectively confront the interconnected problems of cross-border arms trafficking, the illegal fentanyl trade, opioid abuse, illicit financing, and human trafficking and smuggling. U.S. Vice President Kamala Harris and National Security Adviser Jake Sullivan each traveled to Mexico over the summer to meet with López Obrador.⁸⁶ These meetings paved the way for the U.S.-Mexico High-Level Security Dialogue in Mexico City on October 8, 2021.⁸⁷

The dialogue — headed by U.S. Secretary of State Antony Blinken and Mexican Secretary of Foreign Affairs Marcelo Ebrard — resulted in the launch of a new era of security cooperation under the Bicentennial Framework for Security, Public Health, and Safe Communities. The U.S. and Mexico agreed that their respective cabinet officials would meet annually to advance implementation of the framework, while sub-cabinet officials would work toward achieving its stated goals year-round.⁸⁸ Importantly, the Bicentennial Framework explicitly prioritized reducing gun trafficking from the U.S. to Mexico, setting the stage for meaningful binational efforts against this important issue.

⁸⁵ Interview with U.S. and Mexico officials, May 2022, Washington, D.C.

⁸⁶ The White House, “[Readout from NSC Spokesperson Emily Horne on Senior Administration Official Travel to Mexico](#)” (11 August 2021).

⁸⁷ The White House, “[Fact Sheet: U.S.-Mexico High-Level Security Dialogue](#)” (8 October 2021).

⁸⁸ The White House, “[Fact Sheet: U.S.-Mexico High-Level Security Dialogue](#)” (8 October 2021). Also see The White House, “[Joint Statement: 2022 U.S.-Mexico High-Level Security Dialogue](#)” (14 October 2022).

Mérida vs. Bicentennial: The Pillars

Three years into the Mérida Initiative, the U.S. and Mexico expanded the scope of bilateral relations under four pillars, an agreement dubbed the Mérida Initiative 2.0. These pillars bear a strong resemblance to the three goals agreed to under the 2021 Bicentennial Framework. However, unlike Mérida 2.0, the Bicentennial Framework explicitly emphasizes the need to combat arms trafficking:

MÉRIDA 2.0 (2011-2017)*

- 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, reduce drug demand, and build a “culture of lawfulness” through education programs.

BICENTENNIAL (2021 - PRESENT)

- 1) Protect our people** by investing in public health as it relates to the impacts of drug use, supporting safe communities, and reducing homicides and high-impact crimes;
- 2) Prevent transborder crime** by securing modes of travel and commerce, reducing arms trafficking, targeting illicit supply chains, and reducing human trafficking and smuggling;
- 3) Pursue criminal networks** by disrupting illicit financiers and strengthening security justice sectors.

*U.S. President Donald Trump refocused Mérida after taking office in 2017.

Sources: Congressional Research Service, Center for Strategic & International Studies



04. Advancing the Agenda

Advancing the Agenda

Our team met with U.S. and Mexican government officials a little more than three months after they published a broad-based action plan setting out the Bicentennial Framework’s goals and objectives.⁸⁹ U.S. and Mexican officials agreed that curbing gun trafficking from the U.S. was Mexico’s highest security priority and that Mexico provided the impetus for making arms trafficking reduction a standalone priority under the Bicentennial Framework.⁹⁰

Previously, U.S. cultural and political dynamics surrounding gun ownership and regulation presented too challenging an environment for Mexico to directly pressure the U.S. on cross-border arms trafficking. As a result, Mexico opted for a strategy of soft diplomacy with the U.S. while simultaneously exerting significant efforts to tackle the problem on the international stage.⁹¹

Mexico’s International Campaign Against Arms Trafficking

Mexico has been a leader in international diplomatic efforts to combat arms trafficking and the proliferation of small arms to conflict areas, advancing these issues in international and regional forums since at least the 1990s. During its two-year term on the United Nations Security Council, Mexico used its November 2021 presidency to lead a signature debate on strengthening UN measures over small arms and light weapons.⁹² At the UN Commission on Crime Prevention and Criminal Justice in May 2023, Mexico organized a side event titled “Illicit firearms trafficking and its nuances in Latin America.”⁹³ Mexico has consistently chaired forums to strengthen the Inter-American Convention on Transparency in Conventional Arms Acquisitions (CITAAC) and the Inter-American Convention against the Illicit Manufacture of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA). Mexico also provided funding for a hemisphere-wide study on small arms trafficking flows, known as the Inter-American Study on the Flows in the Illicit Trafficking of Firearms.⁹⁴

The U.S., for its part, has failed to tackle the role of domestic gun manufacturers and sellers in the U.S.-to-Mexico gun trafficking chain. The U.S. has also not adequately recognized the causal relationship between U.S.-to-Mexico gun trafficking and the undermining of the U.S.’s broader

⁸⁹ U.S. Department of State, “[Summary of the Action Plan for U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)” (31 January 2022).

⁹⁰ Interview with U.S. and Mexican officials, May 2022, Washington, D.C.

⁹¹ Interview with Mexican officials, May 2022, Washington, D.C.

⁹² Security Council Report, “[Small Arms: Ministerial-Level Open Debate](#)” (21 November 2021); Stéphanie Fillion, “[Mexico Puts Small-Arms Control on the Security Council Agenda](#),” PassBlue (2 November 2021).

⁹³ Global Initiative Against Transnational Organized Crime, “[The Global Initiative at the 32nd CCPCJ](#)” (15 May 2023).

⁹⁴ Interview, May 2022, Washington, D.C.

foreign policy goals in Mexico and Central America, including promotion of rule of law, democracy, and human rights. Frustrated by these long-standing U.S. policy and enforcement gaps, the López Obrador administration began pursuing an innovative legal strategy to try and reduce the devastating flow of illegal U.S. guns.⁹⁵

Everybody knows that Mexico is swamped with firearms. Not a lot of people know that between 70 and 90 percent of those weapons come from the U.S.

- Statement from Mexico Government Official during the Seminar on Transnational Litigation and Corporate Accountability: Mexico's Case Against Arms Traffickers, held at the University of Arizona in May 2023.⁹⁶

A. U.S. Inaction Prompts Mexico to Sue U.S. Gun Industry

In August 2021, the Mexican government initiated a lawsuit in U.S. federal court against seven gun manufacturers and one gun wholesaler, accusing them of knowingly supplying guns to cross-border traffickers in order to profit off Mexico's criminal market.⁹⁷ This case was unique, as it effectively sought to hold U.S. gun sellers accountable for allegedly fueling domestic and international human security crises through reckless marketing, design, and distribution practices.⁹⁸

Mexico's lawsuit came just two months before the U.S. and Mexico announced the Bicentennial Framework. The lawsuit carried significant moral and legal weight and could not be ignored by U.S. officials trying to work out the parameters of a new bilateral security cooperation arrangement. The power and influence of the U.S. arms industry had for years trumped Mexico's security concerns. With the Bicentennial Framework, the U.S. was finally acknowledging the need for more meaningful action, and it was not making its potential response contingent upon a quid pro quo, such as Mexico's assistance in reducing drug trafficking.

... armed with Defendants' guns, the cartels have aggressively marketed drugs such as fentanyl, destroying and ending lives in and outside of Mexico, including in the U.S. Defendants' guns are the venom in the snakes that are the drug cartels; without those guns, they could be controlled and

⁹⁵ Interview with Mexican officials, Mexico City, October 2022.

⁹⁶ University of Arizona James E. Rogers College of Law, "[Seminar on Transnational Litigation and Corporate Accountability: Mexico's Case Against Arms Traffickers](#)" (1 May 2023).

⁹⁷ See *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et al.*, Complaint, Dkt. 1, Case No. 1:21-cv-11269 (D. Mass.).

⁹⁸ In September 2022, U.S. District Court Judge F. Dennis Saylor IV dismissed Mexico's lawsuit against the seven gun manufacturers and one gun wholesaler, but Mexico subsequently appealed. Mexico also filed a separate lawsuit against five Arizona gun dealers alleged to have knowingly participated in cross-border firearms trafficking (see *Estados Unidos Mexicanos v. Diamond Shooting Sports, et al.*, Case No. 4:22-cv-00472-CKJ (D. Ariz.)). As of June 2023, both cases were still making their way through the U.S. federal court system.

stopped.

- Excerpt from *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et al.*

B. Moving Toward Concrete Action

Although both countries have experience dealing with the issue of arms trafficking at an international policy and enforcement level, they bring their own domestic challenges and limitations to the bilateral relationship. The U.S. has faced difficulties due to inadequate interagency cooperation, the absence of federal statutes specifically targeting arms trafficking, and lawmakers unwilling to implement gun safety measures.⁹⁹ Mexico has struggled with corruption and limited resources. These issues have hampered the capacity of both countries to effectively disrupt arms trafficking networks and the misuse of firearms by TCOs.

In January 2022, the U.S. and Mexico issued a summary of their action plan for the Bicentennial Framework.¹⁰⁰ We found this plan to be little more than a restatement of the bilateral goals and objectives unveiled during the announcement of the framework three months earlier.¹⁰¹ Moreover, the plan indicates that the bilateral strategy for combating U.S.-to-Mexico gun trafficking remains focused on law enforcement measures. Such measures are typically more reactionary than preventative. They also do not fully exemplify the whole-of-government approach that we would like to see, considering the seriousness of the problem and the potential for funding opportunities to be broader than those that existed under the Mérida Initiative.¹⁰²

Cooperation Area 2.2: Reduce illicit firearms trafficking

The summary of the action plan for the Bicentennial Framework — issued in January 2022 — outlined the following goals for joint cooperation as a means to diminish the capacity of TCOs and prevent the flow of illicit arms:

Joint objective 2.2.1: Increase efforts to reduce the illicit trafficking of firearms, ammunition, and explosive devices.

Joint objective 2.2.2: Increase bilateral information sharing on illicit firearms trafficking.

⁹⁹ The lack of federal statutes targeting arms trafficking was at least partly remedied in June 2022, when President Biden signed the Bipartisan Safer Communities Act, or BCSA. This law is discussed in more detail later in this report.

¹⁰⁰ U.S. Department of State, “[Summary of the Action Plan for U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)” (31 January 2022).

¹⁰¹ See The White House, “[Fact Sheet: U.S.-Mexico High-Level Security Dialogue](#)” (8 October 2021).

¹⁰² Interview, May 2022, Washington, D.C.

Joint objective 2.2.3: Increase investigative and prosecutorial capacity to address illicit firearms trafficking.¹⁰³

1. First Year Progress

Similar to most macro-policy overhauls, the Bicentennial Framework faced significant challenges at its inception. During our first round of interviews, U.S. authorities expressed concerns about Mexico's limited resources — particularly regarding border security — due to austerity measures imposed by the López Obrador administration.¹⁰⁴ They also highlighted the need for Mexico to interdict more illicit fentanyl precursor imports, increase prosecution rates, and strengthen sentences for traffickers. Additionally, Mexico's National Guard was still an incipient organization, raising questions about its effectiveness.¹⁰⁵ Mexican officials, for their part, voiced concerns regarding the U.S.'s long-standing prioritization of protecting its domestic arms industry instead of effectively combating the role of corporations in the illicit arms market. Mexico said this prioritization had resulted in limited responses to arms trafficking-related issues from the U.S. Justice and Homeland Security departments — at the expense of Mexican lives.¹⁰⁶ Despite these concerns, both countries agreed from the onset to work together and robustly share information to assist with the U.S. disruption and apprehension of arms traffickers within U.S. borders.¹⁰⁷

In response to the U.S.'s increase in fatal shootings during Biden's initial year in office, his administration implemented measures that not only addressed domestic problems related to gun violence but also represented significant progress toward accomplishing the Bicentennial Framework's goals. The administration established a strike force to combat gun trafficking across U.S. state lines and increased prosecutorial resources to shut down trafficking nodes.¹⁰⁸ The administration also moved to curtail the proliferation of homemade, untraceable ghost guns, which have flowed in large numbers to Mexico.¹⁰⁹ From 2022 through the first six months of 2023, the U.S. Department of

¹⁰³ U.S. Department of State, "[Summary of the Action Plan for U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)" (31 January 2022).

¹⁰⁴ See David Agren, "[He's Mr Scrooge': Mexican president unveils severe cuts amid coronavirus](#)," *The Guardian* (24 April 2020).

¹⁰⁵ Interviews with U.S. officials, May 2022, Washington, D.C.

¹⁰⁶ Interviews with U.S. and Mexican officials, May 2022, Washington, D.C.; interviews with Mexican officials, December 2022, Mexico City.

¹⁰⁷ Interviews with U.S. officials, May 2022, Washington, D.C.

¹⁰⁸ The White House, "[Remarks by President Biden at a Gun Violence Prevention Task Force Meeting](#)" (3 February 2022).

¹⁰⁹ To deter criminals from using ghost guns, Biden announced that the U.S. Department of Justice would be ramping up the National Ghost Gun Enforcement Initiative (see The White House, "[Remarks by President Biden at a Gun Violence Prevention Task Force Meeting](#)" (3 February 2022)). The Biden administration also issued a new rule requiring companies that sell do-it-yourself gun kits to add serial numbers and conduct background checks on prospective buyers (see Abené Clayton, "[US implements new rule to close loophole on untraceable 'ghost guns'](#)," *The Guardian* (24 August 2022)). As of July 2023, that rule was being challenged in court (see *VanDerStok, et al. v. Garland, et al.*, Memorandum Opinion & Order on Parties' Cross-Motions for Summary Judgment & Motions to Intervene, Dkt. 227, Case

Justice recovered more than 3,400 ghost guns through international operations.¹¹⁰ These new initiatives deserve recognition for their comprehensive “pipeline” approach, going beyond investigating and arresting individual firearms traffickers to tackle the sources of illicit firearms, the various points of sale, and trafficking patterns.¹¹¹

In June 2022, Biden signed the Bipartisan Safer Communities Act (BSCA), the first significant federal gun safety legislation in nearly 30 years.¹¹² The BSCA made gun trafficking and straw purchasing federal crimes with prison sentences of 15 years and up to 25 years, respectively.¹¹³ It also expanded the definition of “engaging in the business” of dealing firearms to clarify when people selling firearms need to obtain a Federal Firearms License and run background checks on their customers.¹¹⁴ In about a year’s time, U.S. attorney’s offices around the country had charged more than 100 defendants with the new gun-trafficking and straw-purchasing offenses, and prosecutions of unlicensed gun sellers shot up 52 percent over their fiscal year 2021 level.¹¹⁵

The BSCA’s First Conviction

On July 11, 2022, a Texas state trooper pulled over an American citizen, Said Isaac Hernandez, for an obscured license plate while he was driving south on U.S. Interstate 35 toward the port of entry in Laredo. After a K9 unit alerted to the presence of contraband inside Hernandez’s Nissan Murano, authorities searched the car and discovered 17 firearms and multiple spare ammunition magazines secreted behind the rear quarter panel.¹¹⁶ Hernandez was already the subject of an ATF investigation related to the purchasing and trafficking of firearms from the U.S. to Mexico. Investigators would ultimately establish that Hernandez had been working with a contact in Mexico who instructed him on the type and number of firearms to purchase, and that over a period of less than six months, Hernandez had purchased a total of 231 handguns. Alamdar S. Hamdani, the U.S. Attorney for the Southern District of Texas, which prosecuted the case, said Hernandez’s criminal activities likely led to hundreds of firearms ending up in the hands of Mexican cartel members, fueling violence in Mexico and the U.S.¹¹⁷

No. 4:22-cv-00691-O (N.D. Tex.); and Andrew Chung, “[US Supreme Court’s Alito temporarily blocks ‘ghost gun’ ruling.](#)” Reuters (28 July 2023).

¹¹⁰ U.S. Department of Justice, “[Fact Sheet: Update on Justice Department’s Ongoing Efforts to Tackle Gun Violence](#)” (14 June 2023).

¹¹¹ U.S. Department of Justice, “[Fact Sheet: Update on Justice Department’s Ongoing Efforts to Tackle Gun Violence](#)” (14 June 2023). Also see U.S. Department of Justice, “[Justice Department Announces Charges Against Alleged Gun Trafficker](#)” (13 June 2022).

¹¹² Office of Chuck Schumer, U.S. senator for New York, “[Schumer Announces The Bipartisan Safer Communities Act, The Most Significant Gun Safety Legislation In 30 Years, Has Now Been Signed Into Law](#)” (25 June 2022).

¹¹³ See Congress.gov, “[S.2938 - Bipartisan Safer Communities Act](#)” (accessed 14 June 2023).

¹¹⁴ Everytown for Gun Safety, “[What is the Bipartisan Safer Communities Act?](#)” (21 June 2022).

¹¹⁵ U.S. Department of Justice, “[Fact Sheet: Update on Justice Department’s Ongoing Efforts to Tackle Gun Violence](#)” (14 June 2023).

¹¹⁶ *United States of America v. Said Isaac Hernandez*, Criminal Complaint, Dkt. 4, Case No. 5:22-cr-01008-1 (S.D. Tex.), pg. 4. Also see *United States of America v. Said Isaac Hernandez*, Factual Statement in Support of Plea Agreement, Dkt. 29, Case No. 5:22-cr-01008-1 (S.D. Tex.).

¹¹⁷ United States Attorney’s Office for the Southern District of Texas, “[Mexican resident sent to prison for trafficking firearms under new law](#)” (10 February 2023).

At the time of Hernandez’s arrest, only a couple of weeks had passed since President Biden signed the Bipartisan Safer Communities Act (BSCA), making gun trafficking a federal crime. Hernandez became the first person convicted under the BSCA when he pleaded guilty to one count of firearms trafficking on September 29, 2022. U.S. District Judge Micaela Alvarez later sentenced Hernandez to nearly seven years in prison.¹¹⁸

The U.S. Department of Justice and the ATF quickly deployed their new BSCA authorities to “target southbound firearms flows” and “increase firearms tracing” in collaboration with Mexican counterparts.¹¹⁹ The BSCA authorities directly aligned with the Biden Administration’s whole-of-government approach “to disrupt firearms trafficking from the United States to Mexico.”¹²⁰ As the Bicentennial Framework reached its one-year anniversary, the U.S. and Mexico issued a joint statement in which they committed to enforcing the BSCA’s firearms trafficking provisions.¹²¹ They also said they had developed detailed action plans, decided to create benchmarks to assess their progress, and planned on producing a collaborative report identifying the routes, organizations, and tactics used to traffic firearms.¹²²

Crime Convergence

The initial goals and objectives of the Bicentennial Framework embody a crime convergence strategy. This strategy recognizes that arms, drugs, and human trafficking networks often overlap, relying on the same facilitators, smugglers, and logistics to serve the same illicit paymasters. By systematically correlating intelligence and data from multiple agencies, effective prevention and intervention tactics can be applied against all three types of criminal enterprises.

The U.S. and Mexico’s October 2022 joint statement cited examples of the crime convergence strategy in force. These included mirrored patrols that simultaneously targeted drugs, arms, and human traffickers,¹²³ a binational effort to block traffickers’ financial accounts, and the first U.S.

¹¹⁸ United States Attorney’s Office for the Southern District of Texas, “[Mexican resident sent to prison for trafficking firearms under new law](#)” (10 February 2023).

¹¹⁹ The White House, “[Joint Statement from Mexico and the United States on the Implementation of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)” (13 April 2023).

¹²⁰ The White House, “[Joint Statement from Mexico and the United States on the Implementation of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)” (13 April 2023).

¹²¹ The White House, “[Joint Statement: 2022 U.S.-Mexico High-Level Security Dialogue](#)” (14 October 2022). Also see U.S. Department of the Treasury, “[Treasury Sanctions Mexican Arms Trafficker Supplying U.S.-Sourced Weapons to CJNG](#)” (28 February 2023).

¹²² The White House, “[Joint Statement: 2022 U.S.-Mexico High-Level Security Dialogue](#)” (14 October 2022). Also see U.S. Department of the Treasury, “[Treasury Sanctions Mexican Arms Trafficker Supplying U.S.-Sourced Weapons to CJNG](#)” (28 February 2023).

¹²³ Mirrored patrols are not a new activity but this initiative emphasizes the crime convergence approach towards three top priority targets.

sanctioning of firearms traffickers connected to Mexican drug cartels.¹²⁴ That same year, the U.S. Department of Justice established a cartel weapons trafficking group along the U.S. Southwest Border. This group — led by U.S. attorneys — is dedicated to taking concerted action against gun trafficking networks.¹²⁵

2. Second Year Progress

Presidents López Obrador and Biden joined Canadian Prime Minister Justin Trudeau at the North American Leaders' Summit on January 9 and 10, 2023. The three leaders made a collective commitment to “intensify and expand coordinated efforts” against the trafficking of drugs, arms, and people — and to dismantle the TCOs that underpin this activity.¹²⁶ This unified determination among three major economic partners widened the scope of security cooperation on the North American continent.¹²⁷

In March 2023, the U.S. and Mexico marked the opening of the second phase of the Bicentennial Framework. For the first time, the type of guns — “high caliber weapons and ammunition” — were singled out under the bilateral counter-arms trafficking agenda.¹²⁸ A follow-on meeting in April 2023 expanded the scope of this agenda to include all North America, putting it in line with the outcome of January’s North American Leaders’ Summit.¹²⁹

To meet the challenges of the second phase, the U.S. and Mexico undertook actions to increase institutional capacity on both sides of the border. A presidential decree in Mexico led to the establishment of a presidential commission dedicated to combating the trafficking of drugs, arms, and ammunition. The U.S. Department of Justice (DOJ) announced its collaboration with a newly formed, vetted unit created by the Mexican Attorney General’s Office, focused on strategic enforcement against firearms trafficking. The DOJ also expanded Operation Southbound, an initiative aimed at

¹²⁴ The White House, “[Joint Statement: 2022 U.S.-Mexico High-Level Security Dialogue](#)” (14 October 2022); U.S. Department of the Treasury, “[Treasury Sanctions Mexican Arms Trafficker Supplying U.S.-Sourced Weapons to CJNG](#)” (28 February 2023).

¹²⁵ U.S. Department of Justice, “[Deputy Attorney General Lisa O. Monaco Delivers Remarks at the Southbound Firearms Trafficking Coordination Meeting](#)” (14 June 2023).

¹²⁶ The White House, “[Joint Statement from Mexico and the United States on the Launch of Phase II of the Bicentennial Framework for Security](#)” (10 March 2023).

¹²⁷ The benefits of the U.S., Mexico, and Canada unifying against arms trafficking and other shared security threats were acknowledged in a joint statement released by the U.S. and Mexico in April 2023. See The White House, “[Joint Statement from Mexico and the United States on the Implementation of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)” (13 April 2023).

¹²⁸ The White House, “[Joint Statement from Mexico and the United States on the Launch of Phase II of the Bicentennial Framework for Security](#)” (10 March 2023).

¹²⁹ The White House, “[Joint Statement from Mexico and the United States on the Implementation of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)” (13 April 2023).

increasing firearms investigations with a nexus to Mexico.¹³⁰ The U.S. Department of Homeland Security, meanwhile, committed to seizing more weapons by targeting known trafficking corridors through Operation Desert Lightning.¹³¹

Both countries signaled their commitment to a public awareness campaign on firearms trafficking enforcement activities.¹³² Sharing information on what works and how is critical for changing public attitudes in favor of regulatory controls that prevent mass harm at home and abroad.

3. Looking Forward

It is important to understand that the Bicentennial Framework is still evolving. When it comes to national-level aspects, it takes time to learn from past experiences, develop new strategies and tactics, and reach consensus among internal stakeholders. Integrating granular components will also require time for bilateral discussions and agreement before the components can be implemented.

In the U.S., the Biden administration and Congress are set to play a critical role in the Bicentennial Framework by providing funding, the strategic architecture, and oversight. Law enforcement must continuously coordinate and consult across agencies to ensure effective interagency approaches. Inputs and contributions from U.S. border states should be relied upon. However, unless the U.S. gun industry is more tightly regulated and is required to put in place business practices that inhibit diversion and trafficking, the black market will continue to outpace law enforcement efforts. Stakeholder engagement among the private sector, nongovernmental organizations, and civil society should be cultivated through consultation, outreach, and public messaging.

On the Mexican side, President López Obrador and the Ministry of Foreign Affairs have taken the lead on the arms trafficking issue, as reducing the illicit flow of U.S. arms is among the highest priorities for the country. The nation's national security, law enforcement, and criminal justice establishments provide the relevant support, including data collection and analysis to inform counter-arms trafficking policies and operations. The López Obrador administration must address Mexico's high levels of corruption and impunity if the counter-arms trafficking pillar of the Bicentennial Framework is to succeed. As with U.S. stakeholder engagement among the private sector, nongovernmental organizations and civil society should be cultivated through consultation, outreach, and public messaging.

¹³⁰ Operation Southbound is the DOJ's preeminent initiative to combat the trafficking of U.S. arms to Mexico. It involves nine Firearms Trafficking Task Forces in eight cities along the Southwest Border. See U.S. Department of Justice, "[Deputy Attorney General Lisa O. Monaco Delivers Remarks at the Southbound Firearms Trafficking Coordination Meeting](#)" (14 June 2023).

¹³¹ The White House, "[Joint Statement from Mexico and the United States on the Implementation of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)" (13 April 2023).

¹³² The White House, "[Joint Statement from Mexico and the United States on the Implementation of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)" (13 April 2023).

The U.S. and Mexican governments have pledged to consider new methods, tools, and technologies for addressing bilateral security challenges.¹³³ The Bicentennial Framework’s policy process should therefore provide opportunities for experts, academics, civil society organizations, and other external stakeholders to recommend stronger approaches for combating illicit arms proliferation and to ensure efficient implementation of arms trafficking prevention initiatives.

External stakeholders should consider engaging in collaborative activities — such as open-source monitoring and reporting — to foster a better understanding of the trafficking, diversion, and misuse of firearms. Collaborative activities could play a pivotal role in capacity-building efforts and assistance for institutional reforms and transparency. By promoting accountability and the rule of law, external stakeholders can help thwart the diversion of arms to criminals and rogue security forces, thus curtailing the pervasive influence of corruption and impunity.

¹³³ The White House, “[Joint Statement: U.S.-Mexico High-Level Security Dialogue](#)” (8 October 2021).



05. Major Gaps

Major Gaps

Throughout our discussions with stakeholders in the U.S. and Mexico, certain challenges to reducing the southward flow of illicit U.S. arms repeatedly rose to the forefront. The following section delves into six of these challenges. By exploring the complexities, implications, and potential prescriptions to these pressing issues, we aim to provide valuable insights for addressing the problems at hand and improving bilateral security cooperation.

A. Tracing

Since day one of the Bicentennial Framework, both the U.S. and Mexico have prioritized the expansion of tracing cooperation to reduce illicit arms trafficking.¹³⁴ Tracing is the systematic process for determining the provenance of guns recovered from crime scenes.¹³⁵ Every year, the National Tracing Center at the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) conducts hundreds of thousands of crime gun traces at the request of domestic and foreign law enforcement agencies, including agencies in Mexico.¹³⁶ ATF trace data can provide vital insights into trafficking trends and patterns, helping law enforcement solve crimes, dismantle criminal networks, and target resources effectively.

If an agency recovers a gun that has been used or is suspected of having been used in a crime, the agency may submit the make, model, serial number, and other information through the ATF's tracing website, eTrace. After receiving a trace request, ATF trace examiners work to identify the gun's manufacturer, wholesaler, and retailer, as well as the first person who purchased the firearm. The ATF provides this information to the requesting law enforcement agency.¹³⁷ The ATF also aggregates trace data for analysis purposes.¹³⁸ The ATF deployed a Spanish language version of eTrace in Mexico in 2010.¹³⁹

Between 2017 and 2021, the ATF traced nearly 98,000 crime guns recovered by law enforcement in Mexico. Sixty-eight percent of these guns — more than 66,000 — came from the U.S. On average,

¹³⁴ The White House, "[Fact Sheet: U.S.-Mexico High-Level Security Dialogue](#)" (8 October 2021).

¹³⁵ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, "[National Tracing Center](#)" (15 June 2020).

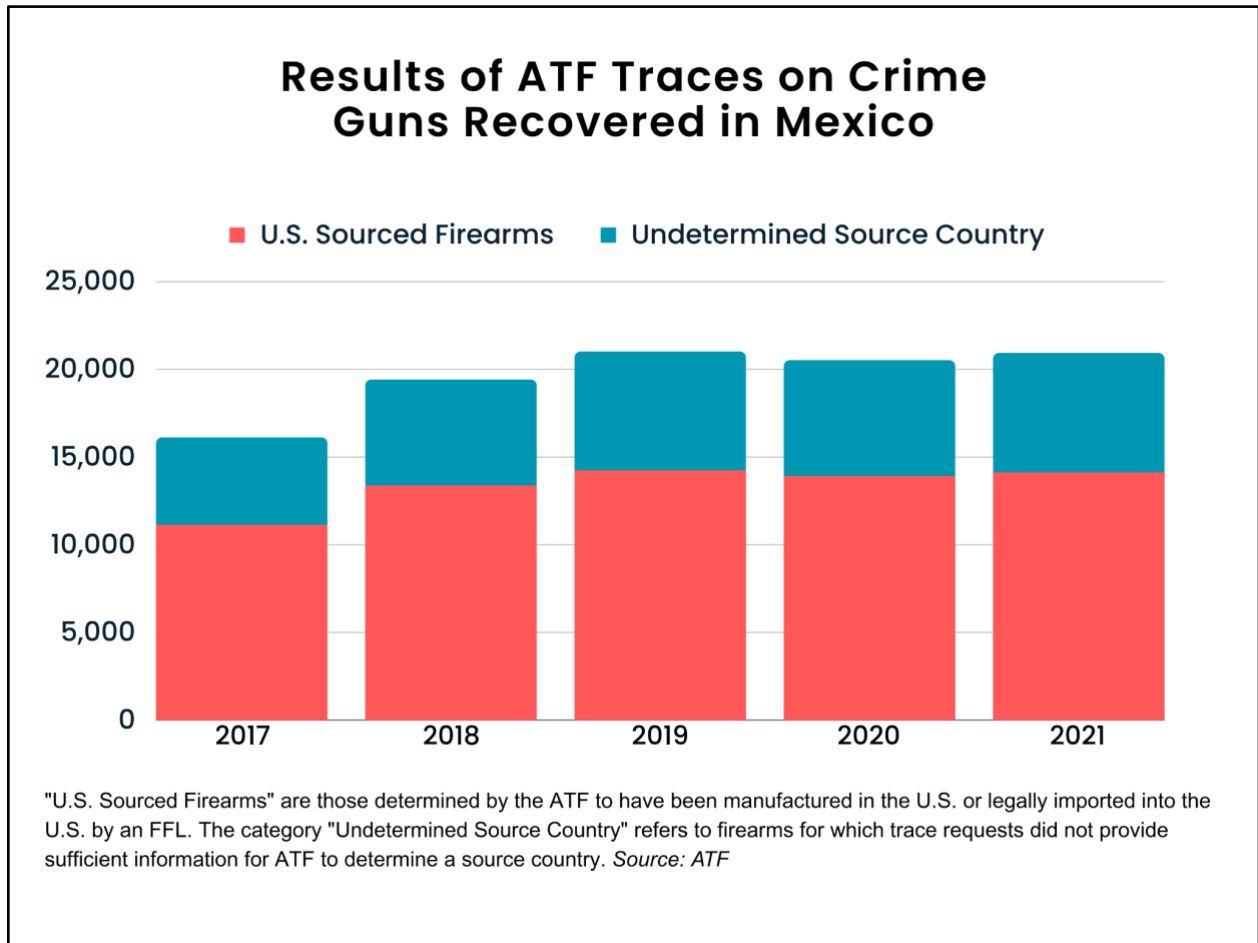
¹³⁶ The ATF processed 623,000 trace requests in fiscal year 2022. See U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, "[Fact Sheet - National Tracing Center](#)" (April 2023).

¹³⁷ Brian Freskos, "[How a Gun Trace Works](#)," The Trace (8 July 2016).

¹³⁸ U.S. Government Accountability Office, "[U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis](#)," GAO-21-322 (February 2021), pg. 22-23.

¹³⁹ U.S. Government Accountability Office, "[Firearms Trafficking: U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain](#)," GAO-16-223 (January 2016), pg. 10.

law enforcement in Mexico recovered about 37 U.S.-sourced crime guns per day over that five-year period.¹⁴⁰



These figures underscore the enormous flow of U.S. guns to Mexico, but they do not capture the full scale of the problem. After Peña Nieto took office in 2012, his government restricted eTrace access to the Mexican federal Attorney General’s office (Fiscalía General de la República, or FGR).¹⁴¹ Other federal and state agencies could provide crime gun information to the FGR for submission through eTrace, but this did not always happen. Agencies may have been reluctant to share information related to ongoing prosecutions, and they were typically more focused on seizing firearms rather than

¹⁴⁰ Analysis based on statistics published by the ATF. See U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, “[Firearms Trace Data: Mexico - 2016-2021](#)” (accessed 15 June 2023).

¹⁴¹ According to the U.S. Government Accountability Office, Mexican officials said the decision to consolidate eTrace access at the FGR (then known as the Procuraduría General de la República, or PGR) was intended to provide the Mexican government with more effective control over trace-related information and to support a central repository of evidence related to firearms trafficking and other federal crimes. See U.S. Government Accountability Office, “[Firearms Trafficking: U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain](#),” GAO-16-223 (January 2016), pg. 26.

investigating related crimes.¹⁴² Consequently, thousands of crime guns went untraced, hobbling efforts to identify trafficking networks and stem the illegal flow of arms.¹⁴³ Mexican government officials told us that even when trace requests were submitted through FGR, the agency's control over eTrace access meant that the results were not always shared with other Mexican entities that could have benefitted from the information.¹⁴⁴ Exacerbating these issues, the ATF did not routinely share granular-level trace data with its U.S. and Mexican law enforcement partners.¹⁴⁵ This lack of information-sharing limited opportunities for analysis and bilateral collaboration, hampered the efficient allocation of resources, and was an impediment to instituting effective strategies.

However, recent developments suggest progress since the establishment of the Bicentennial Framework, with the U.S. and Mexico working in partnership to expand eTrace access among Mexican law enforcement.¹⁴⁶ In October 2022, the two countries announced that their law enforcement agencies had traced 40 percent more firearms linked to the U.S. and Mexico compared to the previous year. These traces yielded valuable criminal intelligence, resulting in a nearly 300 percent increase in criminal referrals in the U.S., the seizure of thousands of firearms before they reached criminal groups, and dozens of criminal convictions related to firearms smuggling.¹⁴⁷ The ATF reported that as of January 2023, it had established 163 federal eTrace accounts and 124 state eTrace accounts in Mexico, and the agency's Mexico Country Office intended to hold "numerous additional Firearms and Explosives Identification courses as well as several eTrace Basic and Advanced courses."¹⁴⁸ In July 2023, the U.S. and Mexico announced a plan to help inform seizure strategies by electronically tracking firearms seized from Mexican criminal organizations.¹⁴⁹

While these developments are encouraging, it is imperative that the work to expand tracing access continues. The ultimate goal should be for every state and federal law enforcement agency in Mexico to be actively tracing every crime gun they recover.¹⁵⁰ To achieve this, the U.S. and Mexico need to

¹⁴² U.S. Government Accountability Office, "[U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis](#)," GAO-21-322 (February 2021), pg. 15.

¹⁴³ U.S. Government Accountability Office, "[U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis](#)," GAO-21-322 (February 2021), pgs. 15-16.

¹⁴⁴ Interview with Mexican officials, May 2022, Washington, D.C.

¹⁴⁵ U.S. Government Accountability Office, "[U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis](#)," GAO-21-322 (February 2021), pg. 22-23. CPB, which is mandated to conduct targeted interdiction activities at official ports of entry, does not always receive relevant data from ATF. Interview with CPB, San Diego, January 2023.

¹⁴⁶ U.S. Department of Justice, "[Deputy Attorney General Lisa O. Monaco Delivers Remarks at the Southbound Firearms Trafficking Coordination Meeting](#)" (14 June 2023).

¹⁴⁷ The White House, "[Joint Statement: 2022 U.S.-Mexico High-Level Security Dialogue](#)" (14 October 2022).

¹⁴⁸ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, "[National Firearms Commerce and Trafficking Assessment \(NFCTA\): Crime Guns - Volume Two](#)" (11 January 2023), part IV, pg. 1.

¹⁴⁹ Reuters, "[Mexico announces plan with US to boost firearm tracing](#)" (26 July 2023).

¹⁵⁰ The ATF has said that it emphasizes the importance of comprehensive tracing to all international law enforcement agencies. See U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, "[National Firearms Commerce and Trafficking Assessment \(NFCTA\): Crime Guns - Volume Two](#)" (11 January 2023), part IV, pg. 1.

make sure that Mexican law enforcement agencies receive the knowledge and resources required to submit successful trace requests and make effective use of the resulting information.

The ATF also needs to revisit any policies requiring the withholding of aggregate trace data from third-party law enforcement agencies. A 2021 report from the U.S. Government Accountability Office (GAO) indicates that even though U.S. law allows the ATF to share trace data with other law enforcement agencies, the ATF considers the release of this information to be a threat to criminal investigations and undercover operations. As a result, the ATF adopted a policy that restricts the disclosure of trace data to jurisdiction-based aggregate analysis. For example, according to the GAO, the ATF may provide a city police department with trace data pertaining to that department's geographic jurisdiction, but the ATF will not generally share the same data with other local, state, or federal agencies. This includes U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection, both of which could use trace data to identify trends in the trafficking of firearms to Mexico.¹⁵¹

Another significant concern relates to public access to trace data. In the U.S., a law commonly known as the Tiahrt Amendment forbids the ATF from releasing detailed trace data to the public. While the ATF is still allowed to publish "statistical aggregate data regarding firearms traffickers and trafficking channels," the public lacks access to details such as the identities of crime gun dealers and buyers.¹⁵² Tiahrt hinders civil society organizations, academic institutions, and media outlets from analyzing gun trafficking trends and patterns, research that could increase public awareness and aid bilateral efforts to stop U.S.-to-Mexico gun trafficking.

B. Assault Weapons & .50-caliber Rifles

Mexico law enforcement recovers thousands of rifles from crime scenes every year.¹⁵³ A significant number of these rifles are high-powered .50-caliber firearms and assault weapons trafficked from the U.S., as they are the weapons of choice for Mexico's drug cartels.¹⁵⁴

The flood of U.S. .50-calibers and assault weapons has enabled drug cartels to outgun Mexico's security forces and expand their influence and activities.¹⁵⁵ That is because these weapons have characteristics and capabilities that make them particularly lethal:

¹⁵¹ U.S. Government Accountability Office, "[U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis](#)," GAO-21-322 (February 2021), pg. 22-23.

¹⁵² See U.S. Pub. L. No. 112-55, 125 Stat. 609-610.

¹⁵³ See U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, "[Firearms Trace Data: Mexico - 2016-2021](#)" (accessed 15 June 2023).

¹⁵⁴ U.S. Government Accountability Office, "[Firearms Trafficking: U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain](#)," GAO-16-223 (January 2016), pg. 10.

¹⁵⁵ Kevin Sieff and Nick Miroff, "[The Sniper Rifles Flowing to Mexican Cartels Show a Decade of U.S. Failure](#)," The Washington Post (19 November 2020).

- The bullets fired by .50-caliber rifles are powerful enough to punch through concrete walls, bulletproof vests, and armored vehicles.¹⁵⁶ In 2016, cartel members used a .50-caliber rifle to down a Mexican state police helicopter, killing the pilot and four others.¹⁵⁷
- The term “assault weapon” generally refers to a group of firearms manufactured as semi-automatic, meaning they shoot one round with each pull of the trigger. One well-known assault weapon is the AR-15. The Mexican government says assault weapons can easily be converted into fully automatic machine guns — which continue firing rounds as long as the trigger is held.¹⁵⁸ Such conversions are commonly carried out by cartels, enabling them to fire more bullets in the direction of government forces, rival cartels, and innocent victims — and potentially kill or injure more of them.¹⁵⁹
- Assault weapons are also highly customizable, and even those that remain semi-automatic can be modified to help improve a shooter’s accuracy when firing rapidly.¹⁶⁰

The increase in the trafficking of assault weapons to Mexico is a direct result of U.S. policy. In 1994, then-President Bill Clinton signed the so-called Federal Assault Weapons Ban, which prohibited the manufacture, transfer, or possession of certain assault weapons.¹⁶¹ However, before sending the bill to Clinton’s desk, Congress inserted a sunset provision so the ban would automatically expire after a decade unless lawmakers voted to renew it. That decade came and went, and Congress chose not to act.

Mexican drug trafficking organizations have aggressively turned to the U.S. as a source of firearms. These weapons are used against other [drug trafficking organizations], the Mexican military, Mexican and United States law enforcement officials, as well as civilians on both sides of the border.... Recently, the weapons sought by drug trafficking organizations have become increasingly higher quality and more powerful.

¹⁵⁶ Diego Oré and Drazen Jorgic, “Weapon of war: the U.S. rifle loved by drug cartels and feared by Mexican police.” Reuters (6 August 2021).

¹⁵⁷ Falko Ernest, “Cartel gunmen shot down a Mexican police helicopter.” Vice (7 September 2016).

¹⁵⁸ *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et al.*, Complaint, Dkt. 1, Case No. 1:21-cv-11269 (D. Mass.), para. 308-312.

¹⁵⁹ Scott Mistler-Ferguson, “Made-in-Mexico 'Ghost Guns' Find Way to Cartels.” Insight Crime (29 April 2022).

¹⁶⁰ Terence Cullen, “Assault weapons have sinister accessories beyond bump stocks.” New York Daily News (5 October 2017).

¹⁶¹ The FAWB was enacted on September 13, 1994, as Title XI, Subtitle A of the *Violent Crime Control and Law Enforcement Act of 1994*. See Christopher S. Koper, “Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003.” National Institute of Justice, U.S. Department of Justice (June 2004), pg. 4.

- William J. Hoover, assistant director of ATF's Office of Field Operations, testifying to Congress in February 2008.¹⁶²

Since the ban lapsed in 2004, sales of assault weapons in the U.S. have exploded.¹⁶³ The Mexican government's 2021 lawsuit against U.S. gun manufacturers accused them of exploiting the ban's expiration to vastly increase production of the assault weapons favored by drug cartels, causing violence in Mexico to soar.¹⁶⁴ The National Shooting Sports Foundation, a gun industry trade group, estimated that the U.S. imported or manufactured 2.8 million assault weapons in 2020 alone.¹⁶⁵

The wave of mass shootings involving assault weapons in the U.S. has prompted fresh calls for reinstating the Federal Assault Weapons Ban. While U.S. political realities are a huge obstacle to the passage of another ban in the near-term, as of June 2023, at least 10 states and the District of Columbia had some form of assault weapons ban on the books.¹⁶⁶ This includes California, where a state appellate court upheld an assault weapons ban in April 2023.¹⁶⁷

¹⁶² See Violence Policy Center, "[Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents](#)" (April 2009), pg. 2.

¹⁶³ Joe Walsh, "[Record 2.8 Million AR-15 And AK-Style Rifles Entered U.S. Circulation In 2020, Gun Group Says](#)," Forbes (20 July 2022).

¹⁶⁴ *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et al.*, Complaint, Dkt. 1, Case No. 1:21-cv-11269 (D. Mass.), para. 12-14.

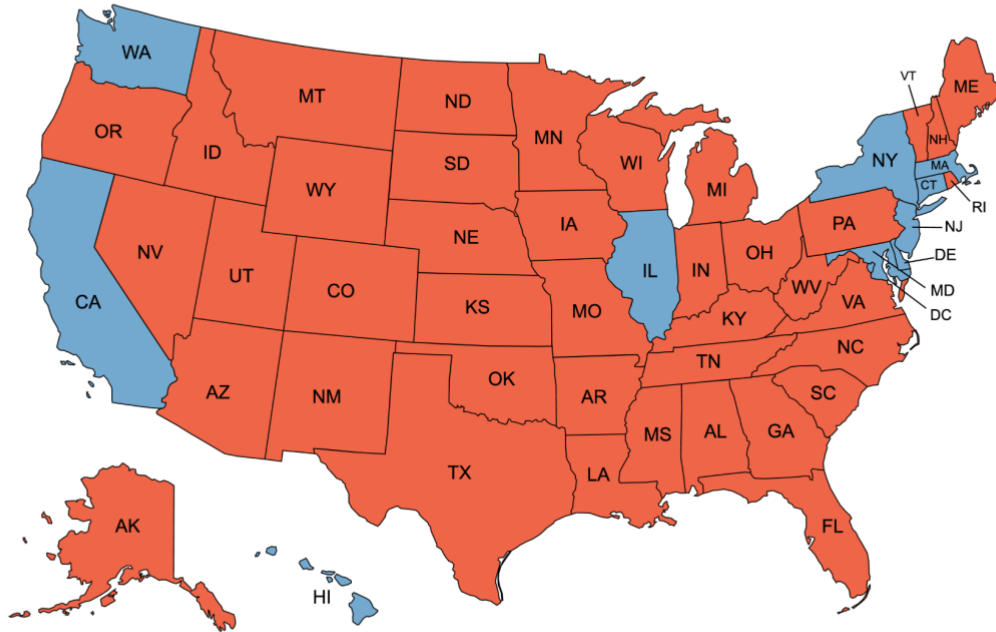
¹⁶⁵ The National Shooting Sports Foundation, "[Commonly Owned: NSSF Announces Over 24 Million MSRs in Circulation](#)" (20 July 2022).

¹⁶⁶ Giffords Law Center to Prevent Gun Violence, "[Assault Weapons](#)" (accessed 8 June 2023).

¹⁶⁷ LaMonica Peters, "[California court upholds state-wide ban on assault weapons](#)," KTVU Fox 2 (3 May 2023).

State Assault Weapons Bans

■ Enacted a ban ■ No ban



Source: Giffords Law Center to Prevent Gun Violence

As for .50-caliber rifles, they are generally regulated in the U.S. the same as other rifles, subjecting them to fewer restrictions than handguns. Under federal law and the laws of most states, anyone who is at least 18 years old can buy a .50-caliber rifle as long as they can pass a background check. Only three states — California, Illinois, and New Jersey — and the District of Columbia generally ban .50-caliber rifles.¹⁶⁸

As the U.S. and Mexico move forward under the Bicentennial Framework, a focus of their bilateral efforts should be highlighting the public safety implications for both countries if sales of assault weapons and .50-caliber rifles continue to surge in the U.S. Such an effort would help build the political will necessary for Congress and U.S. states to impose tighter restrictions on these weapons. Civil society organizations should aid in this effort through advocacy and by funding and carrying out research on the effectiveness of state restrictions on assault weapons and .50-caliber rifles. By pointing out gaps and deficiencies, such research would inform effective policies for preventing the diversion of these firearms into the underground market.

¹⁶⁸ Giffords Law Center to Prevent Gun Violence, “[Machine Guns, Trigger Activators & 50 Caliber Weapons](#)” (accessed 9 May 2023).

The Power of Reporting Requirements

The U.S. has cracked down on the cross-border trafficking of assault weapons by requiring certain gun shops to notify authorities about bulk sales. U.S. gun shops have long been required to alert the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) when customers buy two or more handguns within five consecutive business days.¹⁶⁹ A 2010 inspector general review of ATF efforts to combat gun trafficking to Mexico found that while reporting multiple handgun sales had produced “timely, actionable investigative leads,” the cartels preferred assault weapons, which were not then subject to the reporting requirement.¹⁷⁰ So in 2011, the ATF started requiring multiple assault weapon sales to be reported by gun shops in the four Southwest Border states: California, Arizona, New Mexico, and Texas.¹⁷¹ ATF officials later reported that this change had helped them identify gun traffickers in a timelier manner and on several occasions had led to arrests and seizures of firearms intended for trafficking to Mexico.¹⁷²

C. Federal Firearms Licensees

The Mexican government frequently highlights the role of licensed U.S. gun dealers in fueling cross-border trafficking, and this issue is likely to be a major sticking point as the two countries work to reduce cross-border arms trafficking. Entities licensed by the U.S. government to engage in the business of manufacturing, importing, and/or dealing in firearms are officially known as federal firearms licensees, or FFLs. The U.S. had more than 130,000 FFLs as of fiscal year 2020. Of these, about 40 percent — nearly 53,000 — were gun dealers, a category that includes brick-and-mortar gun shops.¹⁷³ That is more gun dealers than the U.S. had McDonald’s, Starbucks, and Subway restaurant locations — combined.¹⁷⁴

Gun dealers in the four states along the U.S. Southwest Border — California, Arizona, New Mexico, and Texas — are a principal source of firearms trafficked to Mexico.¹⁷⁵ The ATF is in charge of

¹⁶⁹ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, “[Reporting Multiple Firearms Sales](#)” (23 September 2022).

¹⁷⁰ U.S. Department of Justice Office of the Inspector General, “[Review of ATF’s Project Gunrunner](#),” I-2011-001 (November 2010), pg. 36.

¹⁷¹ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, “[Reporting Multiple Firearms Sales](#)” (23 September 2022).

¹⁷² U.S. Government Accountability Office, “[Firearms Trafficking: U.S. Efforts to Combat Firearms Trafficking to Mexico Have Improved, but Some Collaboration Challenges Remain](#),” GAO-16-223 (January 2016), pg. 13-14.

¹⁷³ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, “[Firearms Commerce in the United States: Annual Statistical Update 2021](#),” pg. 21.

¹⁷⁴ The Pacific Council Magazine, “[U.S. Guns Trafficked to Mexico: Here’s What’s Happening](#)” (11 January 2023). Also see Brian Freskos, Daniel Nass, Alain Stephens, and Nick Penzenstadler, “[The ATF Catches Thousands of Lawbreaking Gun Dealers Every Year. It Shuts Down Very Few](#),” The Trace, USA Today (26 May 2021). For the number of restaurant locations in 2020, see Liam Gravvat, “[Number of McDonald’s locations in the United States, North America and world in 2022](#),” USA Today (30 July 2022); Astrid Eira, “[Number of Starbucks Worldwide 2022/2023: Facts, Statistics, and Trends](#),” FinancesOnline (18 July 2023); and Danny Klein, “[Inside the Plan to Build a Better Subway](#),” QSR (August 2021).

¹⁷⁵ Notes from “El negocio de la letalidad: El tráfico de armas a México” (The business of lethality: arms trafficking to Mexico), an international conference held November 3-4, 2022, and organized by El Colegio de México and the Mexican Ministry of Foreign Affairs,

inspecting gun dealers and other FFLs to ensure they comply with laws and regulations and operate in a manner that protects public safety.¹⁷⁶ ATF compliance inspections can generate leads on cross-border traffickers and are crucial for ensuring that gun dealers are not illegally aiding such activities.¹⁷⁷ But the ATF struggles to inspect FFLs on a regular basis and has allowed some FFLs to keep their licenses to operate even though they have repeatedly committed violations that could harm the public.¹⁷⁸ These issues have been exacerbated by federal restrictions that strain the ATF's resources and limit the agency's enforcement powers.¹⁷⁹ The result is a measure of impunity for cross-border traffickers and the nefarious gun dealers that supply them.

The ATF has field divisions in Dallas, Houston, Los Angeles, Phoenix, and San Francisco. These field divisions are responsible for inspecting FFLs in six states: the four Southwest Border states, Nevada, and Oklahoma (see chart).¹⁸⁰ For ease of reference, we hereinafter refer to these field divisions as the "Southwest Border Field Divisions." Many of the guns trafficked to Mexico are originally purchased from dealers in the Southwest Border states.¹⁸¹ This pattern underscores the pivotal role played by the Southwest Border Field Divisions in preventing U.S.-to-Mexico firearms trafficking. By regularly monitoring the assessing the compliance of gun dealers in the Southwest Border states, the Southwest Border Field Divisions can identify corrupt dealers and any potential weaknesses or vulnerabilities that could be exploited by individuals engaged in trafficking activities, thereby disrupting the supply chains that feed Mexico's underground firearms market.

with support from the University of California San Diego. Also see Devon Maylie and Leighton Walter Kille, "[Estimating firearms trafficking across the U.S.-Mexico border](#)," *The Journalist's Resource* (20 May 2015).

¹⁷⁶ U.S. Department of Justice Office of the Inspector General, "[Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Risk-Based Inspection Selection Processes and Administrative Actions Issued to Federal Firearms Licensees](#)," 23-062 (April 2023), pg. 34.

¹⁷⁷ When IOI identifies actionable information related to suspected criminal activity, ATF policy requires the IOI to make a referral. Some referrals lead to criminal investigations. See U.S. Department of Justice Office of the Inspector General, "[Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Risk-Based Inspection Selection Processes and Administrative Actions Issued to Federal Firearms Licensees](#)," 23-062 (April 2023), pg. 34.

¹⁷⁸ U.S. Department of Justice Office of the Inspector General, "[Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Risk-Based Inspection Selection Processes and Administrative Actions Issued to Federal Firearms Licensees](#)," 23-062 (April 2023), pgs. i, 10, 30-31.

¹⁷⁹ Brian Freskos, Daniel Nass, Alain Stephens, and Nick Penzenstadler, "[The ATF Catches Thousands of Lawbreaking Gun Dealers Every Year. It Shuts Down Very Few](#)," *The Trace*, USA Today (26 May 2021).

¹⁸⁰ See U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives, "[ATF Field Divisions](#)" (accessed 11 May 2023).

¹⁸¹ Notes from "El negocio de la letalidad: El tráfico de armas a México" (The business of lethality: arms trafficking to Mexico), an international conference held November 3-4, 2022, and organized by El Colegio de México and the Mexican Ministry of Foreign Affairs, with support from the University of California San Diego.

ATF Southwest Border Field Divisions

Field Division	State(s) Covered
Dallas	New Mexico, Northwest Texas, Oklahoma
Houston	Southeast Texas
Los Angeles	Southern California
Phoenix	Arizona, New Mexico
San Francisco	Northern California, Nevada

Source: ATF

In 2020, there were a total of 27,000 FFLs spread across the six states overseen by the Southwest Border Field Divisions.¹⁸² During the fiscal year that ran from October 1, 2019 to September 30, 2020, the Southwest Border Field Divisions completed compliance inspections on about 1,880 FFLs, or less than 7 percent of the total. At that rate, it would take the Southwest Border Field Divisions more than 14 years to inspect all the FFLs in their coverage area.

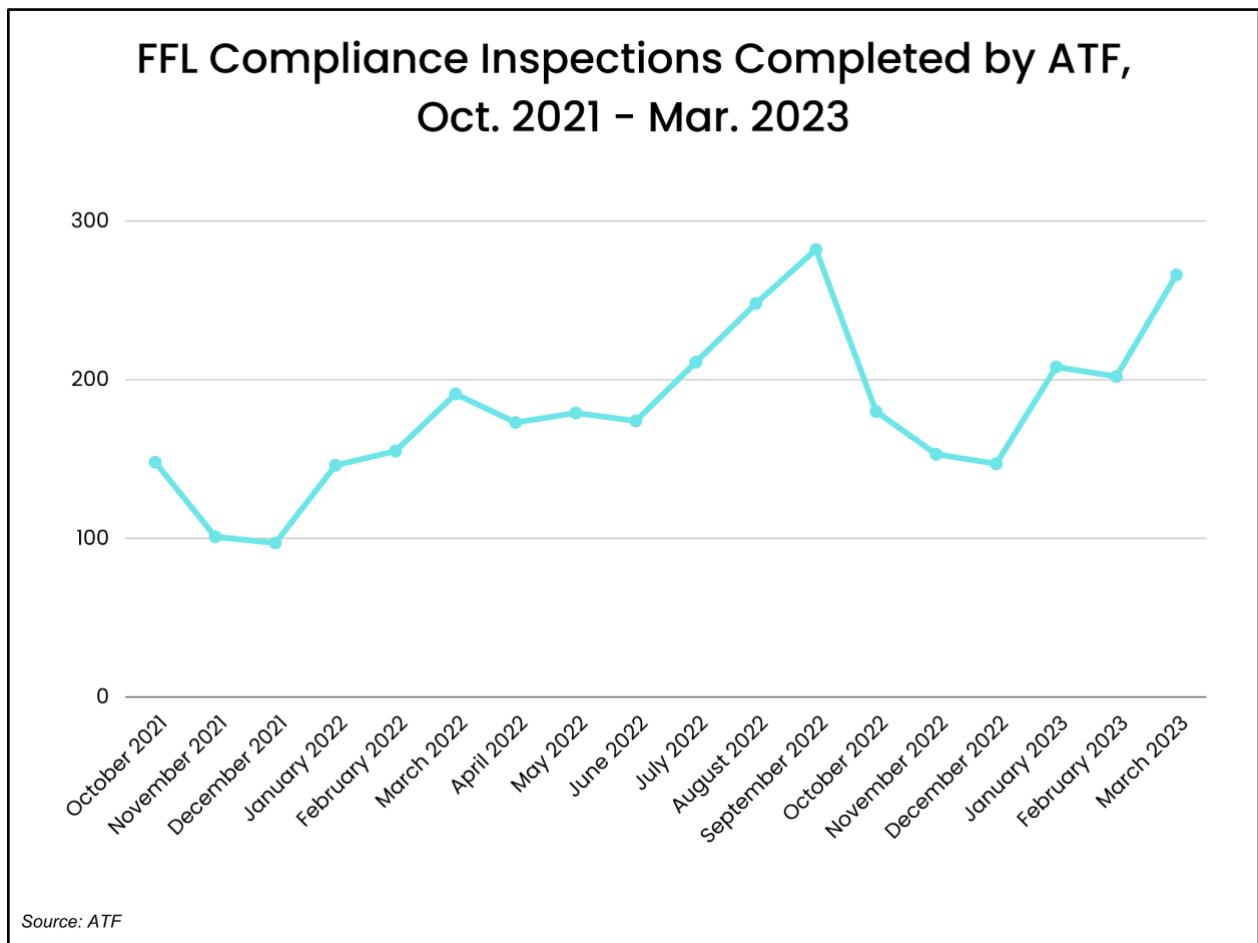
The ATF has a goal of inspecting each FFL once every three years, though the agency has struggled to meet that benchmark.¹⁸³ ATF field divisions strategically plan their inspection workloads each year based on risk-based intelligence indicators recommended by headquarters. These indicators help field divisions target FFLs with a high risk of non-compliance or exploitation by criminal activity. However, an April 2023 audit by the U.S. Department of Justice’s Office of the Inspector General

¹⁸² U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, “[Firearms Commerce in the United States: Annual Statistical Update 2021](#),” pg. 22.

¹⁸³ U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, “[Congressional Budget Submission Fiscal Year 2019](#)” (February 2018), pg. 12. Also see Alex Yablon, “[The ATF Inspected Fewer Gun Dealers Last Year Than at Any Time in the Past Decade](#),” The Trace (12 August 2016).

found that field divisions failed to meet their annual inspection projections 44 percent of the time. Some FFLs had gone more than 10 years without an inspection.¹⁸⁴

While the Southwest Border Field Divisions have likewise failed to inspect FFLs on a three-year schedule, there are signs that they have been conducting more inspections since the adoption of the Bicentennial Framework. ATF data shows that the Southwest Border Field Divisions completed slightly more than 2,100 inspections in fiscal year 2022, an increase of about 12 percent over two years prior. In the first six months of fiscal year 2023, the Southwest Border Field Divisions completed more than 1,150 inspections, putting them on track to exceed the fiscal year 2022 total.



Resource limitations are at least partly to blame for the ATF not conducting FFL inspections more frequently. The ATF staff members responsible for FFL inspections are officially known as Industry

¹⁸⁴ U.S. Department of Justice Office of the Inspector General, “Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives’ Risk-Based Inspection Selection Processes and Administrative Actions Issued to Federal Firearms Licensees,” 23-062 (April 2023), pg. i.

Operations Investigators (IOIs). In fiscal year 2021, the ATF had only 729 IOIs — far too few to handle the more than 130,000 FFLs in operation.¹⁸⁵

Statutory requirements have also been a hindrance. In addition to overseeing more than 130,000 FFLs, IOIs are also responsible for inspecting approximately 9,400 explosives dealers.¹⁸⁶ In 1986, then-U.S. President Ronald Reagan signed the Firearm Owners' Protection Act, which prevents IOIs from inspecting an FFL more than once a year except under limited circumstances.¹⁸⁷ In contrast, the Safe Explosives Act (SEA) — passed as part of the Homeland Security Act of 2002 — requires IOIs to inspect explosives dealers at least once every three years.¹⁸⁸ Meeting the SEA requirement effectively forces IOIs to deprioritize FFL inspections.¹⁸⁹

Increasing the rate and effectiveness of FFL inspections is crucial if the U.S. and Mexico are going to meet the Bicentennial Framework's goals. U.S. policymakers should boost funding for the ATF's inspections program and relax or repeal laws that hinder IOIs from carrying out FFL inspections on a regular basis. Meanwhile, the ATF should leverage its existing resources to increase compliance inspections on gun dealers located in U.S. southern border states. Civil society organizations should advocate these reforms and help raise public awareness about the impact of nefarious U.S. gun dealers on cross-border arms trafficking.

D. Border Inspections

The Bicentennial Framework calls for strengthening oversight and coordination at land ports of entry and between ports of entry along the U.S.-Mexico border.¹⁹⁰ Congressional officials and civil society actors spoke to us regarding the need for U.S. Customs and Border Protection (CBP) to increase outbound inspections at ports of entry along the Southwest Border to catch arms smugglers trying to enter into Mexico.¹⁹¹ Compared to the U.S., Mexico has few border controls and lacks the resources and capacity to regularly inspect inbound vehicles for weapons. Mexico has requested CBP assistance

¹⁸⁵ See U.S. Department of Justice Office of the Inspector General, "[Audit of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Risk-Based Inspection Selection Processes and Administrative Actions Issued to Federal Firearms Licensees](#)," 23-062 (April 2023), pg. 44.

¹⁸⁶ Brian Freskos, Daniel Nass, Alain Stephens, and Nick Penzenstadler, "[The ATF Catches Thousands of Lawbreaking Gun Dealers Every Year. It Shuts Down Very Few](#)," The Trace, USA Today (26 May 2021).

¹⁸⁷ IOIs are legally allowed to inspect an FFL more than once a year if they obtain a warrant, are conducting an inquiry related to a criminal investigation of a person or persons other than the FFL, and/or when an inspection may be required to determine the disposition of one or more particular firearms in the course of a bona fide criminal investigation. See 18 U.S.C. § 923(g)(1)(B).

¹⁸⁸ U.S. Department of Justice Office of the Inspector General, "[Review of ATF's Explosives Inspection Program](#)," I-2013-004 (April 2013), pg. i.

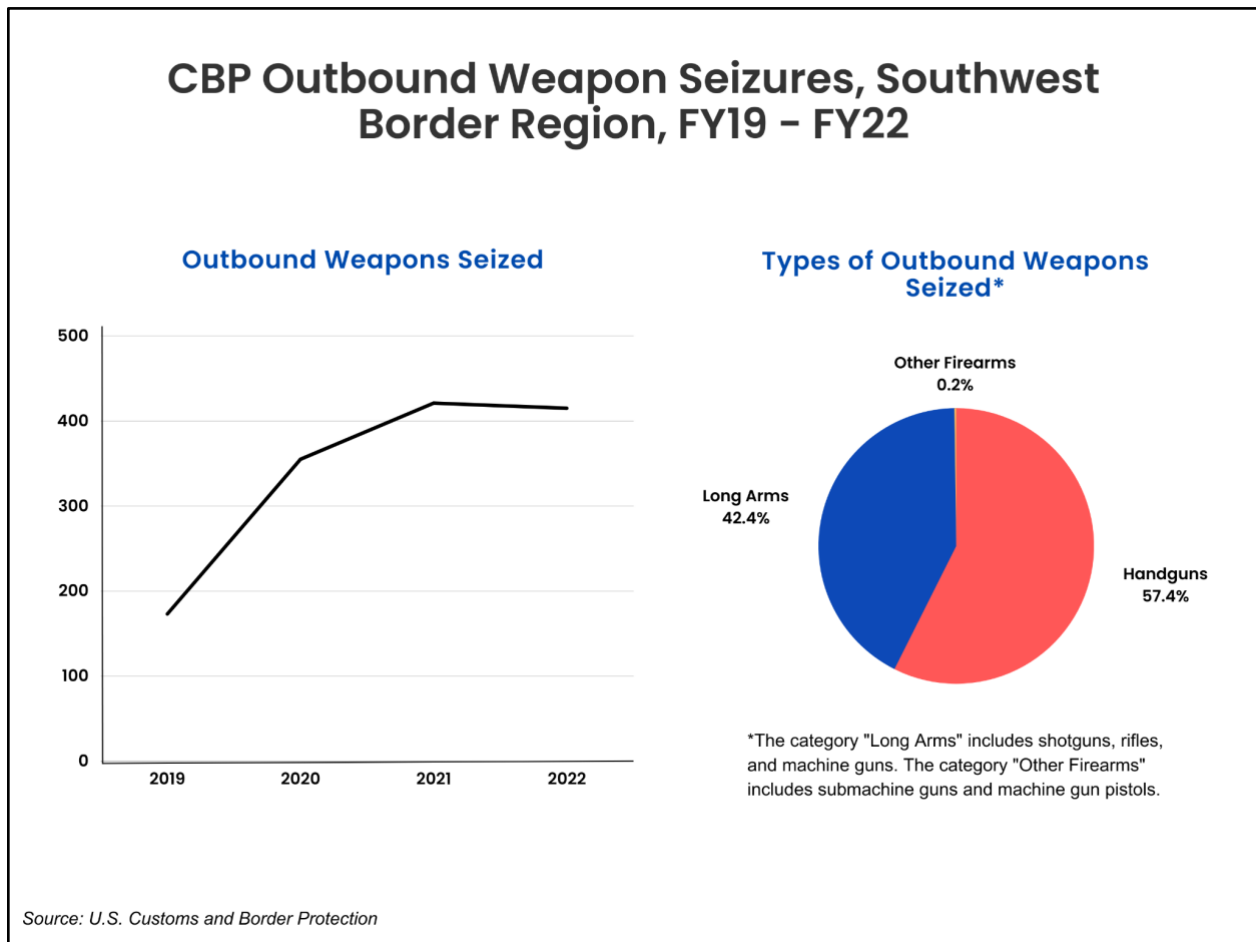
¹⁸⁹ Brian Freskos, Daniel Nass, Alain Stephens, and Nick Penzenstadler, "[The ATF Catches Thousands of Lawbreaking Gun Dealers Every Year. It Shuts Down Very Few](#)," The Trace, USA Today (26 May 2021).

¹⁹⁰ U.S. Department of State, "[Summary of the Action Plan for U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)" (31 January 2022).

¹⁹¹ Interviews with U.S. officials and civil society stakeholders, May 2022, Washington, D.C.

with inspecting vehicles traveling from the U.S. to Mexico, but the agency’s help thus far has been inadequate.¹⁹²

According to CBP data, the number of outbound weapons seized in the Southwest Border Region more than doubled between fiscal years 2019 and 2022, from 173 to 415.¹⁹³ In total, CBP seized 1,364 outbound weapons over that four-year period. These weapons included handguns, long arms — such as shotguns, rifles, and machine guns — and weapons classified as “Other Firearms,” a category that includes submachine guns and machine pistols.¹⁹⁴ While the increase in outbound weapon seizures is a positive development, the data indicates that CBP is missing the vast majority of the estimated hundreds of thousands of guns being trafficked from the U.S. into Mexico every year, and that CBP is not conducting outbound inspections at a sufficient rate.



¹⁹² Interviews with U.S. officials and civil society stakeholders, May 2022, Washington, D.C.

¹⁹³ The quantity of outbound ammunition and gun parts seized by CBP in the Southwest Border Region also more than doubled, from 112,434 in fiscal year 2019 to 392,873 in fiscal year 2022. The total quantity of ammunition and gun parts seized in the Southwest Border Region during that four-year period was 890,549. Nearly all of this — 98 percent — was ammunition, but it also included magazines, receivers, scopes, and silencers.

¹⁹⁴ Calculations based on data from U.S. Customs and Border Protection, “[Weapons and Ammunition Seizures](#)” (accessed 9 May 2023).

Congressional officials told us CBP does not have adequate funding to conduct outbound inspections with greater regularity and that during the period we examined, the agency’s resources had been stretched thin by Title 42, the public health order that allowed U.S. authorities to quickly expel migrants without allowing them to apply for asylum.¹⁹⁵ The Trump administration imposed Title 42 in March 2020, following the outbreak of Covid-19, and the order stayed in place for more than three years.¹⁹⁶

Under a program begun in fiscal year 2020, CBP coordinated with the Mexican government to inspect all outbound traffic into Mexico at selected land ports of entry.¹⁹⁷ While this program resulted in increased firearm seizures, expanding it to all land ports of entry is likely unfeasible given the massive volume of traffic that crosses the U.S. southern border daily. The U.S. and Mexico have been reviewing how technology and facility upgrades could help balance the time required for inspections against the economic benefits of facilitating the smooth flow of legitimate goods.¹⁹⁸ CBP officials have stated that targeted inspections that single out vehicles based on intelligence leads have a higher probability of intercepting firearms with a minimal impact on legal border traffic.¹⁹⁹ However, CBP officials interviewed at the San Diego-Tijuana border informed us that they did not receive sufficient ATF data to allow for more targeted interdiction efforts. As a result, weapon seizures were comparatively lower in number than seizures of drugs and/or money.²⁰⁰

Enhancing Southbound Inspections to Combat Cartels Act

In June 2023, two U.S. senators — Democrat Maggie Hassan of New Hampshire and Republican James Lankford of Oklahoma — introduced the legislation that would increase outbound inspections at the U.S.-Mexico border. The senators said that the Enhancing Southbound Inspections to Combat Cartels Act was expressly aimed at combating the flow of illicit firearms and money to Mexican drug cartels.²⁰¹ The act would:

- Require that at least 20 percent of the vehicles traveling from the U.S. to Mexico be inspected before leaving the U.S., “to the extent practicable;”

¹⁹⁵ Catherine E. Shoichet, “What is Title 42, why is it ending and what’s happening now at the border?” CNN (9 May 2023).

¹⁹⁶ Colleen Long, “Title 42 has ended. Here’s what it did, and how US immigration policy is changing,” The Associated Press (12 May 2023).

¹⁹⁷ U.S. Government Accountability Office, “Firearms Trafficking: U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis,” GAO-21-322 (February 2021), pg. 27.

¹⁹⁸ The Wilson Center, “US-Mexico Security Cooperation: A Conversation with Assistant Secretary Todd Robinson” (31 October 2022).

¹⁹⁹ U.S. Government Accountability Office, “Firearms Trafficking: U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis,” GAO-21-322 (February 2021), pg. 28.

²⁰⁰ Interview, CBP officials, San Diego, January 2023.

²⁰¹ Office of James Lankford, U.S. senator for Oklahoma, “Lankford Wants to Stop Supplying Criminal Cartels with Guns and Money Coming from US” (12 June 2023).

- Authorize CBP to hire at least 500 new officers to assist with outbound inspections at the U.S.-Mexico border;
- Authorize ICE to hire at least 100 new Homeland Security Investigations Agents to assist with investigations involving the smuggling the currency and firearms from the U.S. to Mexico;
- Authorize CBP to purchase up to 50 additional X-ray inspection systems to help with inspecting vehicles traveling from the U.S. to Mexico.²⁰²

While increasing targeted outbound inspections will help with intercepting firearms before they cross the U.S. southern border, the crucial next step lies in the effective utilization of the evidence and intelligence obtained during these operations. It is imperative for CBP and other U.S. and Mexican law enforcement agencies to employ this valuable information to target the mid- and upper-levels of cross-border arms trafficking groups. By going beyond border seizures and focusing on dismantling the broader networks involved, the U.S. and Mexico can ensure a more significant and longer-lasting impact on cross-border firearms trafficking, ultimately enhancing the safety and security of both nations.

E. Metrics

The U.S. and Mexico have yet to develop adequate performance measures to gauge the success of bilateral efforts under the Bicentennial Framework.²⁰³ Without these measures, the U.S. and Mexico cannot comprehensively assess their progress toward achieving bilateral security objectives or the important goal of reducing the trafficking of weapons across the U.S. southern border. The lack of solid performance measures also undermines the ability of implementing government agencies — the U.S. Congress, the Mexican Congress, civil society organizations, and other relevant third parties — to evaluate Bicentennial Framework initiatives and recommend reforms.

On April 13, 2023, U.S. Homeland Security Advisor Dr. Elizabeth Sherwood-Randall met with a delegation led by Mexico’s Secretary of Security and Citizen Protection, Rosa Icela Rodríguez, at the White House to review shared security priorities under the Bicentennial Framework.²⁰⁴ This meeting

²⁰² Congress.gov, “[S.1897 - Enhancing Southbound Inspections to Combat Cartels Act](#)” (accessed 6 July 2023).

²⁰³ The U.S. Office of Management and Budget defines performance measurement as a means of evaluating efficiency, effectiveness, and results. It is a particular value or characteristic used to measure progress toward goals, and also used to find ways to improve progress, reduce risks, or improve cost-effectiveness.

See U.S. Office of Budget and Management, “[Preparation, Submission and Execution of the Budget](#),” Circular No. A-11 (August 2022), pg. 91 of the Capital Programming Guide.

²⁰⁴ The White House, “[Joint Statement from Mexico and the United States on the Implementation of the U.S.-Mexico Bicentennial Framework for Security, Public Health, and Safe Communities](#)” (13 April 2023).

resulted in both countries agreeing to use the number of arms seizures as a metric to gauge the success of anti-arms trafficking efforts moving forward.²⁰⁵

While we agree that arms seizures should be one metric, a fuller set of performance measures is necessary to ensure both governments are using resources efficiently and producing the intended results. These measures should, among other things, look further upstream to assess bilateral progress on incapacitating the middle- and top-level tiers of cross-border arms trafficking networks. The measures should also look downstream at the distribution of illegal arms and the responsible actors apprehended and prosecuted. Subject-matter experts we consulted concurred that the metrics should be based on a detailed analytical understanding of all the relevant components and a well-defined zone of application.²⁰⁶

The U.S. and Mexico would do well to tap into the expertise of relevant civil society organizations to help fashion performance measures that are relevant, timely, and implementable.²⁰⁷ The U.S. Government Accountability Office has reported that performance measures should also be linked to strategic objectives and planned actions, as well as have baselines and targets for achieving discrete tasks within a specific time.²⁰⁸ Once the U.S. and Mexico finalize performance measures, they should release them to the public. This will not only demonstrate transparency but also encourage analysis and evaluation by third-party stakeholders that could be helpful to both governments moving forward.

F. Mapping

The U.S. and Mexico have intricate security apparatuses comprising numerous agencies involved in various aspects of law enforcement, intelligence gathering, public health, and other areas. However, stakeholders in one country often lack comprehensive knowledge of the areas of responsibility (AORs) of agencies in the other country.²⁰⁹ This lack of clarity and understanding has hindered effective bilateral cooperation on security matters. The absence of a clear picture of each agency's jurisdiction and role raises the risk of confusion, miscommunication, and overlapping efforts.

To enhance engagement and streamline collaboration between the U.S. and Mexico, there is a pressing need for an easily accessible and comprehensive reference tool. One potential solution is the

²⁰⁵ Mexican officials told us in April 2023 that the U.S. and Mexico had also agreed to use the number of drug seizures as a metric, but for the purposes of our report, we focus solely on arms trafficking-related metrics here.

²⁰⁶ Meeting with subject matter experts from D.C.-based think tanks held at the Atlantic Council, May 12, 2022.

²⁰⁷ Interview with Mexican officials, May 2022, Washington, D.C.

²⁰⁸ U.S. Government Accountability Office, "[U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis](#)," GAO-21-322 (February 2021), pg. 34.

²⁰⁹ Interview with Mexican officials, May 2022, Washington, D.C.

development of a detailed diagram that clearly outlines the AORs of the relevant government agencies²¹⁰ in each country, highlighting areas of overlap and cooperation. This visual representation would serve as a valuable resource for stakeholders on both sides of the border, enabling them to better understand the roles and responsibilities of each agency and identify areas where collaboration can be maximized.

By illustrating the jurisdiction and functions of each agency, this diagram would facilitate more effective coordination and information-sharing. It would also help stakeholders navigate the complex web of agencies involved in security matters, promoting transparency, clarity, and alignment of efforts. Such a tool could serve as a foundation for strengthening bilateral cooperation, fostering trust, and enhancing the overall security partnership between the United States and Mexico.

²¹⁰ We use the term “government security agencies” to mean any and all departments, subordinate agencies, divisions, branches, advisory groups, and/or other components.



06. Advancing Security Cooperation With Other Counter-Arms Trafficking Tools

Advancing Security Cooperation with Other Counter-Arms Trafficking Tools

Effective binational security cooperation necessitates continuous progress by the U.S. and Mexico in tackling the TCOs that operate in both countries. A fundamental aspect of this endeavor is dismantling the illicit arms networks on which these TCOs heavily rely for their criminal activities. In this section, we review additional strategies and tools that, if effectively implemented, can mitigate the threat of illicit arms flows and alleviate the resulting human harms.

A. Creating a Centralized Authority

As with other objectives under the Bicentennial Framework, the Biden administration has made a comprehensive commitment to combat arms trafficking through a whole-of-government approach.²¹¹ Implementing an effective whole-of-government approach requires the U.S. to create a centralized authority at the National Security Council to ensure a shared strategic vision, effective prioritization, and innovation. A centralized authority would also help systematically coordinate so that the resources, actions, and technical expertise of relevant U.S. agencies are aligned in their efforts to reduce gun trafficking.

1. Closer Coordination Across Government Agencies

The Biden administration's proposed collective action against arms trafficking spans all executive departments and agencies. This innovative approach necessitates systematic coordination to address problems in historically unique ways. Past evaluations by the U.S. Government Accountability Office (GAO) consistently identified serious problems with coordination and information-sharing among law enforcement agencies that have long been involved in countering arms trafficking.²¹² The integration of other core agencies into counter-arms trafficking efforts would help facilitate interagency activities in furtherance of Bicentennial Framework objectives. Such integration will require a mechanism that moves beyond reactive responses to incorporate preventative measures and ensure continuity with other U.S. domestic and national security priorities.

2. Beyond Reliance on Domestic Law Enforcement

The Bicentennial Framework set the stage for the utilization of new platforms to directly target traffickers and reduce the proliferation of illegal guns. While cutting off TCOs and arms traffickers from the U.S. financial system is not a new tactic, the U.S. Treasury Department (Treasury) has begun

²¹¹ U.S. Department of State, "[Sanctioning PRC and Mexico Based Individuals and Entities for Enabling Illicit Drug Production](#)," press statement by U.S. Secretary of State Antony Blinken (30 May 2023).

²¹² See, for example, U.S. Government Accountability Office, "[U.S. Efforts to Disrupt Gun Smuggling into Mexico Would Benefit from Additional Data and Analysis](#)," GAO-21-322 (February 2021).

employing this approach more vigorously against Mexican traffickers involved in the illicit trade of U.S. arms to drug cartels.²¹³ In support of the Bicentennial Framework's goals, the U.S. has remitted \$25 million in criminal proceeds that were stolen from Mexico.²¹⁴ Encouraging and providing adequate resources for Treasury to leverage all the financial tools at its disposal will be essential in combating the flow of illicit U.S. arms.

For joint enforcement operations to serve as effective deterrents, successful prosecutions are necessary. Judicial authorities from the U.S. and Mexico have pledged to share best practices for the prosecution of firearms cases, facilitating stronger cooperation in this area.²¹⁵ The State Department could expand its scope beyond the agencies traditionally involved in addressing the arms crisis in Mexico²¹⁶ and do a better job of integrating civilian security, democracy, human rights, and international organization affairs, among other agencies, in a broad but coordinated department-wide approach. Mexico's justice reform is ongoing and should receive the maximum U.S. assistance package available.²¹⁷

3. Refocusing the Department of Defense

By shoring up the effectiveness of other U.S. agencies in combating Mexican TCOs, the U.S. Department of Defense (DOD) can focus on its core defense responsibilities. Under the Mérida Initiative, Mexican reliance on militarized strategies to combat TCOs resulted in the involvement of the DOD in Mexico's internal security missions. The Bicentennial Framework marked a significant turning point for the DOD as it sought to move away from a patron-client dynamic with Mexico and toward a more collaborative partnership. As one senior DOD official put it, the focus is on working "with" Mexico rather than "for" or "to" Mexico. The Mexican government has expressed clear opposition to U.S. military action against the drug cartels, which it likely would deem tantamount to a declaration of war.²¹⁸ On a slippery slope to rupturing bilateral cooperation, in 2023, the governors of certain U.S. states authorized National Guard deployments to Texas to assist with border security; some of these deployments were made due to stated concerns over the drug trafficking problem.²¹⁹

²¹³ U.S. Department of the Treasury, "[Treasury Sanctions Mexican Arms Trafficker Supplying U.S.-Sourced Weapons to CJNG](#)" (28 February 2023).

²¹⁴ The White House, "[Joint Statement from Mexico and the United States on the Launch of Phase II of the Bicentennial Framework for Security](#)" (10 March 2023).

²¹⁵ The White House, "[Joint Statement: 2022 U.S.-Mexico High-Level Security Dialogue](#)" (14 October 2022).

²¹⁶ These agencies include the Bureau of International Narcotics and Law Enforcement Affairs, the Bureau of Political-Military Affairs, and the Bureau of Western Hemisphere Affairs.

²¹⁷ The Wilson Center, "[US-Mexico Security Cooperation: A Conversation with Assistant Secretary Todd Robinson](#)" (31 October 2022).

²¹⁸ Brendan O'Boyle, "[Mexico president rejects 'irresponsible' calls for US military action against cartels](#)," Reuters (9 March 2023); Fareed Zakaria, "[Declaring war on Mexican cartels is popular. That doesn't mean it's smart](#)," The Washington Post (7 July 2023).

²¹⁹ Alex Hinojosa, "[Republican states send national guard troops to Texas border in show of force](#)," The Guardian (8 June 2023). Also see Dean Mirshahi, "[Youngkin deploys 100 Virginia National Guard troops to Texas border](#)," WRIC (31 May 2023).

We met with senior DOD officials who expressed a desire to reduce their involvement in Mexico's internal security efforts — despite the continued hollowing out of Mexican police forces in favor of the Mexican military and National Guard. These officials said they wanted DOD to shift its focus toward addressing external threats that both nations face. Specifically, the DOD aims to see Mexico share more defense intelligence, increase bilateral engagement on humanitarian and disaster relief capabilities, and take a more active role in countering the influence of China and Russia in Central America.²²⁰

B. Employing a Comprehensive Follow-the-Guns Methodology

The illegal use of guns by Mexican TCOs is part of a broader scheme of serial criminal activities. Documenting recovered crime guns and tracking their sources back through their entire chains of supply can help law enforcement uncover the routes, channels, secondary markets, financial transactions, and evasive methods employed by TCOs to transport and distribute firearms across the U.S.-Mexico border.

ATF traces provide information about the manufacturers, wholesalers, dealers, and first retail purchasers of crime guns recovered in Mexico. While this data is important, it falls short of revealing crucial details about how crime guns traveled from their first retail purchasers to their end users. Additionally, there is a critical lack of comparative analysis between enforcement and intelligence agencies, and detailed trace data is not publicly available to inform researchers and experts.²²¹ These gaps limit the ability of policymakers and enforcement agencies to target and disrupt critical points of diversion from the legal arms supply chain.

A follow-the-guns methodology is also a valuable approach to intelligence gathering and detective work. By implementing this methodology, the U.S. and Mexico can collaboratively enhance their interventions beyond the arrest and prosecution of individual traffickers.

C. Addressing the Problem of Illicit Supply Chains at the Source

Under the public health pillar of the Bicentennial Framework, the U.S. has launched a global initiative to address what one top official referred to as a new drug trafficking paradigm: the synthetic drug chain. Prompted by the fentanyl crisis, this initiative involves “leveraging multilateral fora and international organizations” to target the manufacturers and sellers of precursor chemicals. These

²²⁰ Interview with DOD officials, May 2022, Washington, D.C.

²²¹ Under a law known as the Tiahrt Amendment, the ATF is forbidden from releasing detailed trace data to the public but may still release aggregate statistics based on traces of recovered crime guns. To better understand the nuances of the Tiahrt restrictions, see Alain Stephens, “I Asked the ATF for Crime Gun Data. A Court Says the Agency Has to Finally Hand It Over,” *The Trace* (8 December 2020).

entities are primarily located in China and India, and they serve as major sources of substances used in the making of synthetic drugs.²²²

Mexico previously approached its crisis of criminal gun violence in a similar fashion, advocating measures in multilateral forums and international organizations to address illicit arms flows, including by targeting the sources. However, the U.S. never took concerted action in response. Mexican officials argue that U.S. arms manufacturers and dealers are deliberately negligent, often disregarding signs of diversion and rarely reporting suspicious behavior. The ATF contacts gun manufacturers and wholesalers for relevant information when crime guns recovered in Mexico trace back to them. Therefore, gun manufacturers and wholesalers can identify gun dealers who may be engaged in illicit activities and should implement reasonable measures to prevent continued involvement with them. It is also imperative for the U.S. and the ATF to do everything possible to ensure that gun dealers who repeatedly break the law and undermine public safety are not allowed to stay in business. This should include amending the Firearm Owners' Protection Act of 1986, which currently poses significant obstacles to ATF enforcement efforts.²²³

Mexico's legal action against U.S. gun manufacturers stems from the long-standing U.S. reluctance to effectively address the role that these manufacturers play in supplying the illicit arms used to harm Mexicans and citizens of other countries. This involvement encompasses various aspects, ranging from gun industry marketing practices targeting criminals to manufacturers and dealers colluding with transnational criminal organizations to provide illegal firearms.²²⁴ The Mexican lawsuit highlights their complicity, thereby putting gun manufacturers and sellers on notice. Other countries negatively affected by U.S.-sourced weapons have filed an amicus curiae brief in support of Mexico's lawsuit, underscoring the issue's global implications.²²⁵

Mexico and stakeholders advocating for arms control and gun safety have criticized U.S. laws, saying they fail to hold gun manufacturers accountable for profiting from gun violence and mass killings. The ability to address market forces through tort law and civil litigation had achieved some success until hindered by the introduction of the Protection of Lawful Commerce in Arms Act (PLCAA).

²²² The Wilson Center, "[US-Mexico Security Cooperation: A Conversation with Assistant Secretary Todd Robinson](#)" (31 October 2022).

²²³ Brian Freskos, Daniel Nass, Alain Stephens, and Nick Penzenstadler, "[The ATF Catches Thousands of Lawbreaking Gun Dealers Every Year. It Shuts Down Very Few.](#)" *The Trace*, USA Today (26 May 2021). Also see Alex Yablon, "[How 'The Law That Saved Gun Rights' Guttled ATF Oversight of Firearm Dealers.](#)" *The Trace* (7 June 2018).

²²⁴ University of Arizona James E. Rogers College of Law, "[Seminar on Transnational Litigation and Corporate Accountability: Mexico's Case Against Arms Traffickers](#)" (1 May 2023).

²²⁵ The countries that filed this brief were Antigua and Barbuda and Belize. The brief was also joined by the Latin American and Caribbean Network for Human Security (SEHLAC), which coordinates a network for non-governmental organizations (NGOs) and affiliated professionals. SEHLAC has members in Argentina, Brazil, Chile, Colombia, El Salvador, Guatemala, Mexico, and Peru, and it works with other NGOs in Costa Rica, Ecuador, Honduras, Nicaragua, Panama, Paraguay, and Uruguay. See *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et al.*, Brief of Latin American and Caribbean Nations and NGO as Amici Curiae in Support of Plaintiff's Opposition to Defendant's Motion to Dismiss, Dkt. 113-1, Case No. 1:21-cv-11269 (D. Mass.).

This law, passed in 2005, provides gun manufacturers, wholesalers, and dealers with immunity from lawsuits alleging harm caused by their products.²²⁶ In February 2022, President Biden called on Congress to repeal PLCAA.²²⁷ Repealing PLCAA would allow civil litigation efforts to be evaluated on their merits rather than being outright dismissed.

D. Enlisting State and Local Participation

The more subnational actors are engaged in the Bicentennial Framework process, the more buy-in and support they are likely to show for federal programs that impact their jurisdictions. Engagement with state and municipal stakeholders is particularly important in Mexico, where organized crime has deeply rooted itself in state and municipal areas. The portfolio of the U.S. Agency for International Development (USAID) and the State Department's Bureau of International Narcotics and Law Enforcement Affairs has long played a role in local crime prevention programs. USAID in particular has focused on non-punitive approaches such as enhancing civil society's capacity to track illicit arms and analyze data of recovered firearms. It is imperative that the Bicentennial Framework continue normalizing and supporting civil society's engagement on illicit arms issues. Actions to promote transparency will also enable civil society to have a larger impact.

Both government and nongovernmental stakeholders have strongly recommended advancing cooperation at the subnational level.²²⁸ At a 2023 meeting co-hosted by the Pacific Council and Consulate General of Mexico in Los Angeles, the chief officer for North America at the Mexican Ministry of Foreign Affairs, Robert Velasco, called subnational participation a "must-have." The Pacific Council's fact-finding missions to U.S.-Mexico border areas have highlighted the significance of subnational participation, as the subnational level is where the benefits and consequences of actions often are most acutely felt.²²⁹ This view is shared by USAID.²³⁰

E. Strengthening Export and Import Controls

The Bicentennial Framework fails to address the issue of legal U.S. gun exports to Mexico and the absence of measures to prevent such weapons from being used in furtherance of criminal violence or human rights abuses. Mexico's Secretaría de la Defensa Nacional (Secretariat of National Defense, or SEDENA) is the only legal importer of firearms into Mexico. However, despite SEDENA identifying the Mexican army as the end user when importing guns from the U.S., a significant number of these

²²⁶ Champe Barton, "A Guide to the Gun Industry's Unique Legal Protections," *The Trace* (27 January 2020).

²²⁷ The White House, "Remarks by President Biden at a Gun Violence Prevention Task Force Meeting" (3 February 2022).

²²⁸ Interview with U.S. officials, May 2022, Washington, D.C. Also see *The Pacific Council Magazine*, "Subnational Cooperation is a 'Must-Have' in the U.S.-Mexico Relationship" (20 March 2023).

²²⁹ *The Pacific Council Magazine*, "National Delegation: U.S.-Mexico Border at San Diego & Tijuana" (March 2023).

²³⁰ Interview with U.S. officials, May 2022, Washington, D.C.

weapons are ultimately intended for Mexican security forces with documented histories of corruption and state violence. Some of these firearms end up being used in human rights abuses or are diverted into the black market.²³¹ Congress members, arms control experts, human rights organizations, anti-corruption groups, and victims groups have long worked to raise awareness about this problem.²³² In September 2021, a group of U.S. senators wrote a letter to U.S. Secretary of State Antony Blinken expressing concerns about the lack of regulation and oversight in legal U.S. gun exports to Mexico.²³³ The lack of transparency associated with these exports is at odds with the spirit of the Bicentennial Framework and hampers efforts to evaluate the effectiveness of U.S. export and Mexican import controls.

1. Enhancing End-User Verification and Monitoring Controls

Ensuring robust controls and accountability requires that the actual end user of imported U.S. weapons is identified. By implementing enhanced end-use monitoring (EUM) procedures, the risk of the U.S. being complicit in atrocities committed with legally imported U.S. guns can be substantially diminished.²³⁴

To assess the effectiveness of Mexico's internal controls and promote transparency and accountability, the public should be informed about whether Mexico has submitted tracing requests to the ATF for recovered crime guns that initially had been legally imported into Mexico by SEDENA. In addition to the existing authority granted to SEDENA, Mexico should consider allowing the participation of other relevant agencies in the arms import authorization process to ensure adequate checks and balances.

2. Exerting Greater Scrutiny over Foreign Companies Exporting Through the U.S. and U.S. Importers of Foreign-manufactured Guns

Foreign arms companies have established subsidiaries in the U.S. to take advantage of the country's lax gun laws.²³⁵ This move has resulted in these companies playing a significant role in U.S.-to-Mexico gun trafficking. By leveraging the comparatively relaxed regulations in the U.S., these

²³¹ John Lindsay-Poland, "[How U.S. Guns Sold to Mexico End Up With Security Forces Accused of Crime and Human Rights Abuses](#)," *The Intercept* (26 April 2018). Also see Stop US Arms to Mexico, "[Key Facts on U.S.-Sourced Guns and Violence in Mexico](#)" (8 June 2023).

²³² [Letter to Secretary of State Antony Blinken](#) dated 12 March 2021 and signed by U.S. senators Patrick Leahy, Robert Menendez, Richard J. Durbin, Benjamin L. Cardin, Chris Van Hollen, Jeffrey A. Merkley, Tim Kaine, and Cory A. Booker.

²³³ [Letter to Secretary of State Antony Blinken](#) dated 14 September 2021 and signed by U.S. senators Patrick Leahy, Cory A. Booker, Jeffrey A. Merkley, and Richard J. Durbin.

²³⁴ [Letter to Secretary of State Antony Blinken](#) dated 14 September 2021 and signed by U.S. senators Patrick Leahy, Cory A. Booker, Jeffrey A. Merkley, and Richard J. Durbin.

²³⁵ See, for example, Ben Knight, "[Sig Sauer faces criminal charges over Mexico drug killings](#)," *Deutsche Welle* (31 August 2015); Arnie Alpert and John Lindsay-Poland, "[Our Turn: Guns, not just bullets, need Sig Sauer's attention](#)," *Concord Monitor* (23 July 2017); Patricia Zengerle and Mike Stone, "[Mexico near deal to buy Sig Sauer automatic rifles from U.S.-sources](#)," *Reuters* (3 August 2021).

companies have realized an opportunity to sidestep stricter laws imposed by their home countries. Arms control researchers and human rights lawyers have demanded greater scrutiny of the export authorizations granted to these companies' U.S. subsidiaries.

F. Aligning the Bicentennial Framework with Central America Security Cooperation

While the Mérida Initiative encompassed Central American countries, congressional funding for programs remained distinct for Mexico and Central America.²³⁶ Central America has long struggled with the presence of TCOs and gang violence, presenting a shared security concern for both the U.S. and Mexico. Despite this interconnectedness, the Bicentennial Framework excludes Central American countries. It is important to recognize that enforcement actions targeting Mexico-based TCOs and their sources of firearms could lead these TCOs to shift their operations further south into Central America.²³⁷

Assistant Secretary of State for the U.S. Bureau of International Narcotics and Law Enforcement Affairs (INL) Todd D. Robinson has emphasized the Biden administration's commitment to strengthening the efforts of Central American recipient governments in tackling shared security concerns. This support is primarily channeled through INL offices in the region.²³⁸ However, to effectively serve the national security interests of both the U.S. and Mexico, it is essential to adopt a comprehensive and integrated approach that encompasses the entire Central American region. Accomplishing this objective will require establishing regional coordination mechanisms to ensure relevant components of the Bicentennial Framework are aligned with Central American security cooperation and assistance efforts, similar to the alignment achieved with Canada in early 2023. There should also be a concerted effort to coordinate Central American and North American law enforcement actions against the trafficking of guns, drugs, and people, recognizing that these issues are undeniably regional in nature. Furthermore, the State Department should proactively seek assistance programs to address arms trafficking, in line with the Biden administration's Strategy for Addressing the Root Causes of Migration in Central America.²³⁹

G. Incorporating International Human Rights Norms and Global Arms Instruments

²³⁶ The Central American countries that received authorized Congressional funding under the Mérida Initiative included Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama.

²³⁷ Notably, the Caribbean Basin Security Initiative (CBSI) was established in alignment with the Mérida Initiative in 2010 for the same reason that a crackdown under the Mérida Initiative on drug trafficking likely would have security implications for nearby island nations, see Caribbean Basin Security Initiative, "[Caribbean Basin Security Initiative](#)" (accessed 23 June 2023).

²³⁸ The Wilson Center, "[US-Mexico Security Cooperation: A Conversation with Assistant Secretary Todd Robinson](#)" (31 October 2022), at 34:54-36:59.

²³⁹ See The White House, "[U.S. Strategy for Addressing the Root Causes of Migration in Central America](#)" (July 2021).

Mexico and international human rights advocates are pressing the U.S. to do more about its deficient gun policies and regulatory controls. The lawsuits brought by Mexico against U.S. gun manufacturers and dealers align with a global discourse on the intersection between business and human rights, emphasizing the need for the U.S. gun industry to assume responsibility for mitigating the risk of human harm resulting from the criminal use of their products. Mexico has been leading an advisory opinion process at the Inter-American Court. This process is examining how the gun industry's trade practices impact human rights by creating conditions that deny civilians their fundamental "right to life."

Canada and countries in the Southern Hemisphere and Caribbean are similarly grappling with a relentless influx of firearms trafficked from the U.S.²⁴⁰ The widespread proliferation of these illicit weapons is fueling the growth of illicit economies controlled by TCOs in these countries. The leaders of these countries have taken decisive action to compel the U.S. to acknowledge and address the violence fueled by U.S.-sourced firearms. The May 2022 Caribbean-U.S. Security Cooperation Dialogue raised this issue with the U.S. as a matter of priority.²⁴¹

The Biden administration has shown support for projects under the World Customs Organization, the UN Office on Drugs and Crime, and the International Organization for Migration to increase port and border security to combat illicit trafficking in the Caribbean. However, the Biden administration has blatantly failed to commit to crucial global arms instruments designed to promote a more responsible and accountable arms trade. One notable example is the landmark Arms Trade Treaty (ATT), which necessitates executive action.²⁴² Another is the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol), supplementing the UN Convention against Transnational Organized Crime.²⁴³ The U.S. is the world's leading exporter of weapons and has the largest civilian firearms market. It thus has a special responsibility to ensure that illegal guns do not wind up in the wrong hands in other countries.

H. Advancing Case Studies

A comprehensive understanding of a shared problem provides a valuable foundation for developing a unified vision and effective solutions. During our consultations, both U.S. and Mexican officials expressed their openness to case studies that could inform their policy-making process and help prevent the same misunderstandings that hindered progress under the Mérida Initiative.

²⁴⁰ Jonathan Lowy, "[Awash in U.S. Guns and Gun Violence, Caribbean Leaders Are Fighting Back](#)," Newsweek (9 May 2023).

²⁴¹ U.S. Department of State, "[U.S.-Caribbean Cooperation to Stop Firearms Trafficking](#)" (1 March 2023).

²⁴² Rachel Stohl, "[Why is the Biden Administration Still Silent on Arms Trade Treaty?](#)" Stimson Center (27 April 2022).

²⁴³ The United States, "[U.S. General Statement for the 10th Session of the UNTOC Firearms Working Group](#)," United Nations Office on Drugs and Crime (3 May 2023).

Governments, think tanks, academic and technical experts, and non-governmental researchers should consider whether existing or future studies on counter-arms trafficking challenges and how they can be addressed should be elevated to the attention of U.S. and Mexican officials.



07. Recommendations

Recommendations

To the relevant U.S. authorities:

1. Establish a central authority at the National Security Council to guarantee that arms trafficking to Mexico — and other global hotspots — is managed as a national security priority. A central authority can best ensure a strategic vision, shared intelligence, innovation, and systematic coordination across relevant U.S. agencies to enhance targeting and avoid duplication of efforts. This authority could also increase coordination with Mexico at the multilateral and regional level.
2. Expand intelligence collection and enforcement efforts to supplement border security, disrupt nodes of diversion, and dismantle firearms trafficking networks closer to the source of the problem. This requires strengthening interagency coordination related to intel and data collection and the subsequent analysis for effective targeting.
3. Increase investments in investigative and border control measures aimed at stopping U.S.-sourced firearms from illegally entering Mexico. Both the president and Congress need to ensure that Customs and Border Protection has sufficient resources for targeted outbound inspections.
4. Prioritize enforcement actions against the illicit trafficking of assault weapons, other high-powered firearms, and associated ammunition. Restricting or banning the trade of assault weapons on the private market is the best avenue for keeping them out of dangerous hands.
5. Repeal the Protection of Lawful Commerce in Arms Act so that gun industry practices, standards, due diligence, and safety measures are subject to civil liability.
6. Repeal the Tiahrt Amendment so that researchers and other experts can use trace data to analyze gun trafficking trends and patterns and inform public policy.
7. Provide more resources to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and repeal restrictions on the agency's federal firearms licensee oversight authority so that the ATF can more effectively police FFLs and prevent their involvement in the trafficking of firearms to Mexico. The U.S. needs to make every effort to ensure that FFLs with a history of violating federal law and threatening public safety are not allowed to remain in business.
8. Increase training and support to Mexican law enforcement agencies with the goal of ensuring the comprehensive tracing of recovered crime guns and the effective use of trace data in anti-arms trafficking initiatives.

9. Enhance ongoing efforts to sanction arms traffickers connected to Mexican transnational criminal organizations as well as the seizure of related financial assets and criminal proceeds.
10. Increase resources and efforts to train and advise Mexican investigators, prosecutors, and judges in prosecuting arms trafficking cases.
11. In addition to conducting targeted law enforcement activities, prioritize preventative actions aimed at diminishing arms trafficking networks. Such strategies should be geared toward strengthening human rights, anti-corruption efforts, rule-of-law institutions, and transparency.
12. Commit as signatories to the Arms Trade Treaty and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the UN Convention Against Transnational Organized Crime.
13. Strengthen end-use monitoring in Mexico to mitigate the risk of arms diversion to transnational criminal organizations and rogue security forces.

To the relevant Mexican authorities:

14. Expand intelligence and enforcement efforts to supplement border security and address downstream nodes of distribution and end-use.
15. Increase resources for inspecting inbound vehicles and conducting investigative and other border control measures to counter illicit trafficking and smuggling networks. Due consideration should be given to border technology that best strengthens the shared responsibility and information-sharing approach codified in the Bicentennial Framework.
16. Ensure effective utilization of crime gun tracing, forensic evidence collection and intelligence gathering to best disrupt arms trafficking networks.
17. Build on past security and police reform initiatives to create more professional forces able to reduce corruption within the ranks, develop a vetted career path, and enhance capacity of core mandated functions to ensure more effective binational cooperation and information-sharing as well as joint enforcement operations and mirrored border patrols.
18. Continue to build on judicial reform and advance prosecutorial efforts to help disrupt and dismantle homegrown transnational criminal organizations, counter the arms networks that underpin their activities, and reduce opportunities for firearms diversion and corruption.

To Members of the High-Level Security Dialogue:

19. Commit to the further development and transparent reporting of robust action plans and metrics.
20. Continue the binational agenda to expand tracing of both recovered crime guns and weapons seizures and undertake comparable analysis for effective targeting of arms trafficking networks inclusive of all nodes of the illicit arms supply chains.
21. Continue striving towards increasing the efficacy of targeted border inspections and interdictions while improving binational border crossing procedures for more efficient ports of entry for citizen movement and cross-border trade.
22. Ensure the effective inclusion of state- and local-level officials and law enforcement agencies.

To non-state stakeholders:

23. In accordance with relevant subject matter expertise, keep a spotlight on the Bicentennial Framework, including highlighting successes and recommending improvements to help ensure accountability for the commitments each government has made.
24. Provide technical advice where relevant.
25. Assist the U.S. and Mexico with developing relevant and effective metrics and performance measures.
26. Recommend and/or undertake case studies related to counter-arms trafficking issues, including evidence-based research, outcomes of fact-finding missions, reports on the efficacy of specific interventions, and other applicable policy frameworks and instruments.
27. Continue to publicize the stakes, issues, and impacts of cross-border arms trafficking and firearms diversion on the U.S. and Mexico.
28. Grow capacity to advance accountability and influence their governments on counter-arms trafficking and firearms diversion activities.

To gun manufacturers, wholesalers, and dealers:

29. Enact robust internal controls to prevent the diversion of their legal commerce to traffickers and the black market. Such controls should include enhanced risk assessments, know your customer practices, and other due diligence measures.
30. Establish enhanced mechanisms for reporting the suspicious activity of illicit dealers and sellers to U.S. authorities.

31. Desist from firearms marketing and sales practices that directly or indirectly target transnational criminal organizations and other criminal elements.



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CONTACT

Pacific Council on
International Policy

725 S Figueroa St., Suite 450
Los Angeles, CA 90017

www.pacificcouncil.org

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