

# Report Card on the U.S.-Mexico Border

Binational Task Force of the Pacific Council on International Policy  
and the Mexican Council on Foreign Relations (COMEXI)

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## Preface

In 2009, the Pacific Council on International Policy and the Mexican Council on Foreign Relations launched a binational Task Force on the U.S.-Mexico Border. Members of the Task Force included prominent former officials, civic and business leaders, and academics that have lived in the border region or have significant expertise regarding border issues. The Task Force's report, "Cooperative Solutions to Common Challenges," outlined a series of short- and long-term recommendations aimed at improving the way Mexico and the United States manage their common border.<sup>1</sup> These recommendations covered six areas – security, facilitation of lawful trade and travel, migration, environmental management, water, and economic development – addressing not only specific policy measures, but also the larger institutional architecture of border management. Collectively, the Task Force's findings anticipated the collaborative approach adopted by the Obama and Calderón administrations in their May 2010 Joint Declaration on Twenty-First Century Border Management,<sup>2</sup> as well as some tangible steps both governments have taken over the last three years to improve the situation at the border.

In 2013, the leadership of the Task Force and some of its members reconvened to review the Task Force recommendations. The following is a "report card" on progress – or lack thereof – toward better management of the border. Rather than a second Task Force Report, this document aims to identify the most salient accomplishments to date and the most important challenges that remain outstanding.

Overall, the leadership of the Task Force finds that both governments have taken significant steps toward greater cooperation on common challenges at the border, including law enforcement collaboration and the expansion of trusted traveler programs. Private and public discussions of border issues now acknowledge the two nations' shared responsibility for common problems; the Task Force applauds this change, and both governments deserve credit for the progress to date. The Task Force leadership also recognizes that some of its original recommendations (e.g., immigration reform and enhancement of the Mexican law enforcement presence along the border) are presently under discussion in one or both governments, even though no action has yet been taken.

Nevertheless, despite these positive developments, the leadership of the Task Force believes that progress on many fronts has fallen short or been frustratingly slow. Mexico and the U.S. have made noteworthy improvements in border security and facilitation, but they have made far less on issues of water, environmental management, or economic development, and virtually none on the issue of migration.

Some of the most critical issues that need to be addressed in the United States include aggressive measures to prevent the flow of guns and bulk cash into Mexico and further efforts to reduce already declining demand for illegal drugs. Perhaps the most critical challenge for the Mexican government is to reconfigure its law enforcement and customs operations at the border in such a way as to permit fully coordinated operations with U.S. law enforcement agencies. Both sides need to move with greater alacrity to develop border-wide infrastructure planning processes, prioritize investments in border infrastructure, and expand preclearance operations.

One particularly pressing issue is the need for comprehensive immigration reform in the United States (upon which many of the Task Force's other immigration-related recommendations depend). As long as

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<sup>1</sup><http://www.pacificcouncil.org/document.doc?id=30>.

<sup>2</sup><http://www.whitehouse.gov/the-press-office/declaration-government-united-states-america-and-government-united-mexican-states-c>.

the demand for visas exceeds their supply, and undocumented workers remain able to find jobs in the United States, more prospective immigrants will attempt to cross illegally. Reform of the legal immigration system should be used as a tool to strengthen border security by limiting illegal migration. A comprehensive approach to immigration reform would improve border security by allowing law enforcement authorities on both sides of the border to focus on true threats to public safety and by weakening the criminal organizations that prey on unauthorized migrants. Resolving the nettlesome issue of illegal migration through comprehensive immigration reform would also positively affect the tenor of discussions about the border in both countries. Such a reform is, of course, under active discussion in the United States, and the Task Force's leadership is hopeful that a well-crafted set of policies along the lines set forth in the Task Force's report will be adopted this year.

The inaugurations of a new administration in Mexico and a second-term Obama administration provide an opportunity for renewal of the bilateral commitment to collaborative border management. We urge them to take up this challenge immediately.

## Report Card

### The situation at the border

Trade and travel across the border continue to grow; in 2012, bilateral commerce reached almost \$500 billion and legal crossings of people approached 160 million. Despite perceptions in some parts of the United States that the border remains porous to crime and illegal migration, the border is now more secure than it has been at any point in history. Furthermore, law enforcement cooperation between the United States and Mexico has deepened, and both governments have accepted the notion of “shared responsibility” for border management.

The fact that conditions at the border and cooperation between the two governments have improved justifies passing grades for both governments on most issues. Only in the case of a few of the Task Force’s recommendations has there been absolutely no progress or backsliding. In most cases, there has been limited moderate progress that, unfortunately, still falls short of success.

For each topic, underlined text indicates specific recommendations from the Task Force’s original report. The corresponding letter grades reflect the Task Force leadership’s assessment of progress to date on each recommendation. “A” grades denote full implementation of the recommendation; B’s indicate that there has been significant improvement; C’s signify some improvement; D’s represent minimal improvement; and F’s indicate no improvement or backsliding. These letter grades are on a tough scale, and they are not meant to imply that the Obama and Calderón administrations failed to make progress; in fact the two governments accomplished a good deal in a relatively short period of time. Rather, these grades call attention to the fact that much more remains to be done.

### I. Public safety and security [Overall grade: C]

- The United States and Mexico have expanded cooperative law enforcement efforts through the signing of the Border Violence Prevention Protocols, greater coordination between investigative agencies on both sides of the border, the adoption of a corridor security strategy aimed at facilitating joint operations, and experiments in coordinated patrols along the border (e.g., in Arizona) between vetted units of the Mexican Federal Police and the U.S. Border Patrol. However, fully coordinated operations planning and cross-deputized patrols have not yet materialized. [Grade: B]
- The Task Force recommended that the governments of Mexico and the United States reconfigure their border enforcement agencies and their zones of operation so that they mirror each other. Unfortunately, Mexico has not restructured its law enforcement authorities at the border to mirror those of U.S. agencies. However, Mexico is creating a territorial deployment force (“gendarmerie”) that could potentially be deployed to border regions and permit coordinated operations between the ports of entry. The Mexican Federal Police have at times undertaken this function in certain areas near the border and will need to do so again until this function can be performed by the new gendarmerie. [Grade: D]
- At the ports of entry, Mexican Customs has become somewhat more professionalized and is slowly assuming a security function, but it has not been converted into a law enforcement agency. [Grade: D]
- Progress in coordination of operations at the ports of entry has been mixed. There has been greater communication between U.S. and Mexican Customs officials and corresponding sharing of some information (e.g., vehicle license plates). However, both sides do not have access to the same information in real time or the equipment necessary to communicate immediately. [Grade: C]
- To enhance security cooperation, the Task Force recommended that the United States significantly expand its security assistance to Mexico. Although such assistance has continued under the Mérida

Initiative and Mérida II, and the sharing of information has increased, security assistance itself has not grown. **[Grade: C]**

- The United States has conducted targeted southbound operations and is now taking additional measures that would impede straw purchases of guns, but it has not yet developed a comprehensive strategy for disrupting the flow of guns and bulk cash into Mexico. The U.S. Senate recently rejected proposed legislation that would have impeded straw purchases of firearms, as well as a ban on assault weapons. **[Grade: D]**
- Demand for some illegal drugs in the United States, particularly cocaine and methamphetamines, has fallen since the Task Force issued its report, but demand for marijuana has not. **[Grade: C]**

## **II. Facilitation [Overall grade: B]**

- Neither country has met the Task Force's goal of reducing wait times to no more than 20 minutes in either direction, and ports of entry are still not fully staffed to volume. On the Mexican side, customs broker inspections remain unnecessarily costly, significantly increasing the transactional costs for imports into Mexico. **[Grade: D]**
- On the other hand, Mexico and the United States have successfully expanded trusted traveler and shipper programs, and Mexico has joined the Global Entry program for air travelers. **[Grade: A]**
- Mexico and the United States have initiated pilot preclearance projects, with a Mexican Customs official in Laredo airport preclearing cargo into the U.S., and U.S. Customs and Border Patrol (CBP) officers preprocessing in Mexico for entry at Otay Mesa. In addition, CBP officers are to be deployed for pre-inspection at FoxConn plants in San Gerónimo, Chihuahua for pre-inspection through the Santa Teresa port of entry. **[Grade: A]**
- The United States recently passed legislation that will facilitate public-private partnerships by allowing CBP to recoup the cost of operating ports of entry built by non-government entities. **[Grade: A]**
- Some progress has been made within the United States in developing a border-wide master plan, but the two countries have not created a single, prioritized list of infrastructure investments based on cost-benefit analysis. **[Grade: C]**
- There has been progress toward the construction of new SENTRI and FAST lanes. **[Grade: B]**

## **III. Development [Overall grade: F]<sup>3</sup>**

- There has been no expansion in the role of the North American Development Bank, much less the creation of a Binational Development Authority as recommended by the Task Force.

## **IV. Water [Overall grade: D]**

- The International Boundary and Water Commission (IBWC) has moved toward comprehensive watershed management with Minute 319, which focuses on upstream water generation in the Colorado River system, and some funding has been identified that could be used for such purposes. However, the IBWC still lacks the full set of authorities recommended by the Task Force.<sup>4</sup> **[Grade: C]**

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<sup>3</sup>The Task Force recommended a radical expansion of the mandate of the North American Development Bank in order to support regional development and infrastructure initiatives. Although this recommendation has not been adopted, other policy proposals are under discussion that would provide funding for such initiatives and thus fulfill the spirit of the Task Force's recommendations.

<sup>4</sup>The Task Force recommended that both governments should negotiate a new Agreement that would update the 1944 Water Treaty to reflect the increasing importance of environmental issues. However, if political conditions and persistent drought conspire to make the timing of such an effort inopportune, and if progress can continue to be made through the existing process of Minutes, the Task Force leadership believes that it is appropriate to postpone official discussions of a new Agreement.

- Water pricing and conservation policies in the border region remain problematic. **[Grade: F]**

## V. Environment **[Overall grade: D]**

- The establishment of the Big Bend-Rio Bravo Natural Area of Binational Interest in 2010 and related conservation activity since then marked a significant step forward in joint stewardship of shared natural resources. **[Grade: B]**
- Funding for the Border Environmental Infrastructure Fund has not increased, as the Task Force recommended it should. **[Grade: F]**
- Environmental regulatory standards continue to diverge, and new strategies to reduce air and water pollution have not been implemented. **[Grade: F]**

## VI. Migration **[Overall grade: F]**

- The Task Force report argued that the United States urgently needed a comprehensive reform of its immigration policies that built on four elements: (1) effective border enforcement and control; (2) a mechanism for U.S. employers to comply with prohibitions against hiring unauthorized aliens, as well as stiffer sanctions for those who do not; (3) earned legal status for otherwise law-abiding undocumented aliens residing in the U.S.; and (4) a plan managing future legal flows. Although the United States has made significant progress toward border control, it has not yet adopted the other elements of comprehensive immigration reform, some of which are prerequisites to achieving true control of the border.<sup>5</sup> **[Grade: F]**
- The Task Force report listed a number of measures that the Mexican government should consider in order to raise living standards and generate employment in Mexico, which in turn would reduce the “push” factors associated with illegal immigration to the United States. These included: (a) fiscal reform to increase federal tax revenues, (b) “trust-busting” to foster competition in sectors now dominated by one or two firms, (c) energy reform to permit greater private investment in that sector, (d) labor reform to encourage union democracy, (e) education reform aimed at improving the quality of public schooling, and (f) industrial policies designed to expand linkages between the modern export sector and the rest of the economy. Mexico has passed a major education reform law, increased federal revenues, strengthened competition policy, and undertaken modest reform of its energy sector. **[Grade: B]**
- The two countries have yet to form a binational commission to analyze labor market needs and workforce development plans for managing prospective future flows of workers. **[Grade: F]**

## Conclusion

Over the last four years, Mexico and the United States have moved closer to the ideal of collaborative border management embodied in the original Task Force Report. The real change has been a cultural one, of nurturing the idea of “shared responsibility” in the day-to-day management of the border. Regrettably, there has been no progress in some areas and very little in many others. The two governments still do not have a holistic vision of what the border should look like. We challenge both governments to re-commit to pursuing cooperative approaches for managing our common border and to implement the recommendations of our Task Force without delay.

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<sup>5</sup>The Task Force recommended that, once comprehensive immigration reform was adopted, Mexico should take steps to prevent illegal migration to the United States. Because immigration reform in the United States is still under discussion, this recommendation does not yet apply. Nevertheless, the Task Force leadership believes that the rising number of non-Mexicans crossing into the United States from Mexico makes greater cooperation on this issue desirable *now*, even in the absence of immigration reform.