



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable Charles E. Grassley
United States Senate
Washington, D.C., 20510

Dear Senator Grassley:

This responds to your letter to the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA), dated June 28, 2023, regarding Genaro Garcia Luna, the former Mexican Secretary of Public Security. On February 21, 2023, Genaro Garcia Luna was convicted at trial of engaging in a continuing criminal enterprise that includes six drug-related violations, international cocaine distribution conspiracy, conspiracy to distribute and possess with intent to distribute cocaine, conspiracy to import cocaine, and making false statements.

DEA relies on Leahy vetting prior to operating with foreign counterparts or security forces. Leahy vetting is conducted by the Department of State.¹ DEA would initiate an investigation if there was credible information, discovered during the Leahy vetting process, of some drug related activity, which may impact the United States. Since non-drug related criminal activity falls outside of DEA's criminal authority, DEA would turn such information over to the appropriate investigating agency.

The FBI coordinates extensively with foreign-country authorities to combat corruption of federal officials. The International Anti-Corruption Coordination Centre (IACCC), of which the FBI is a contributor, brings together specialist law enforcement officers from agencies around the world to tackle allegations of corruption. This collaboration is vital to combating instances of large-scale corruption. To ensure foreign law enforcement partners are not influenced by corruption, the FBI partners with Vetted Teams. Vetted Teams are composed of foreign law enforcement officers who have passed Department of State Leahy vetting and FBI diligence, such as polygraphs and record checks. Collaboration through Vetted Teams has proven effective in enabling the advancement of bilateral FBI investigations, especially in countries where state institutions may be weak.

The Domestic Investigations and Operations Guide and *Attorney General Guidelines for Domestic FBI Operations* set the threshold required for the FBI to open an investigation. Specifically, in circumstances indicating that foreign law enforcement partners may be engaged in corruption, there are *Attorney General Guidelines on the Development and Operation of FBI*

¹ U.S. Dept. of State, Bureau of Democracy, Human Rights, and Labor, About the Leahy Law (Jan. 20, 2021), <https://www.state.gov/key-topics-bureau-of-democracy-human-rights-and-labor/human-rights/leahy-law-fact-sheet/>.

Criminal Informants and Cooperative Witnesses in Extraterritorial Jurisdictions, as well as Attorney General Guidelines for Extraterritorial FBI Operations and Criminal Investigations.

There may be situations in which the FBI and DEA communicate information related to a corrupt foreign law enforcement partner to Congress. The standards for communicating this type of information are consistent with other information, documents, and testimony the Department provides to Congress through the accommodations process.

Regarding allegations related to Mexican Federal Police Commander Bayardo, as described in Justice Manual § 1-7.400, longstanding Department policy and practice prevents us from commenting on or confirming the existence of any pending investigations to protect the integrity of that, or another, investigation.

When appropriate, the Department can provide briefings on adjudicated cases to Congress. In certain circumstances, the Department provides briefings related to statistic or trend analysis, along with other strategic assessments for a given threat, like corruption in extraterritorial jurisdictions.

The Department would refer you to the U.S. Agency for International Development or the Department of State for information related to the Foreign Assistance Act. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Carlos Felipe Uriarte
Assistant Attorney General