

117TH CONGRESS
2D SESSION

H. R. 9312

To provide enhanced capabilities to combat transnational criminal cartels,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2022

Mr. CRENSHAW (for himself, Mr. CARTER of Texas, Mr. ELLZEY, Mr. STEUBE, Mr. FALLON, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Financial Services, Ways and Means, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide enhanced capabilities to combat transnational
criminal cartels, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Declaring War on the Cartels Act of 2022”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—TRANSNATIONAL CRIMINAL CARTELS

- Sec. 101. Definitions.
 Sec. 102. Penalty.
 Sec. 103. Offenses.
 Sec. 104. Circumstances.

TITLE II—AUTHORITIES TO COMBAT TRANSNATIONAL CRIMINAL CARTELS

- Sec. 201. Definitions.
 Sec. 202. Financial.
 Sec. 203. Transnational criminal cartel as a ground of inadmissibility.
 Sec. 204. Penalties for nationals and residents facilitating transnational cartels.
 Sec. 205. Foreign government coordination.
 Sec. 206. Connections between governments and transnational criminal organizations.
 Sec. 207. Sanctions on foreign governments found to facilitate transnational criminal cartels.
 Sec. 208. Sanctions on foreign persons found to facilitate transnational criminal cartels.
 Sec. 209. Penalties on financial institutions continuing to do business with transnational criminal organizations.

1 **TITLE I—TRANSNATIONAL**
 2 **CRIMINAL CARTELS**

3 **SEC. 101. DEFINITIONS.**

4 For the purpose of this title, the term “transnational
 5 criminal cartel(s)” are used to indicate the organizations,
 6 affiliates, and witting facilitators of the following:

- 7 (1) The Sinaloa Cartel.
 8 (2) The Jalisco New Generation Cartel.
 9 (3) The Beltran-Levy Cartel.
 10 (4) The Gulf Cartel.
 11 (5) The Los Zetas.
 12 (6) The Tijuana Cartel.
 13 (7) The La Familia Michoacana/Knights Tem-
 14 plar Cartel.

1 **SEC. 102. PENALTY.**

2 Notwithstanding any other provision of law, the sen-
3 tence of a person convicted of an offense described in sec-
4 tion 103 shall be increased by not less than 10 years and
5 up to 20 years if the offense is committed under the cir-
6 cumstances described in section 104.

7 **SEC. 103. OFFENSES.**

8 The offenses described in this section are—

9 (1) a Federal felony involving a controlled sub-
10 stance (as defined in section 102 of the Controlled
11 Substances Act (21 U.S.C. 802)) for which the max-
12 imum penalty is not less than 5 years;

13 (2) a Federal felony crime of violence that has
14 as an element the use or attempted use of physical
15 force against the person of another;

16 (3) a violation of United States customs laws,
17 specifically sections 542, 545, and 553 through 555,
18 of title 18, United States Code;

19 (4) a violation of sections 873 and 880 of title
20 18, United States Code;

21 (5) a violation of sections 922 and 931 of title
22 18, United States Code;

23 (6) a violation of sections 1001, 1002, and
24 1015 of title 18, United States Code;

25 (7) a violation of chapter 51 of title 18, United
26 States Code;

1 (8) a violation of chapter 55 of title 18, United
2 States Code;

3 (9) a violation of section 1365 of title 18,
4 United States Code;

5 (10) a violation of sections 1425 through 1427
6 of title 18, United States Code;

7 (11) a violation of sections 1502 and 1510
8 through 1513 of title 18, United States Code;

9 (12) a violation of sections 1583 through 1585,
10 1589 through 1592, and 1597 of title 18, United
11 States Code;

12 (13) a violation of sections 2118 through 2119
13 of title 18, United States Code;

14 (14) a violation of section 2231 of title 18,
15 United States Code;

16 (15) a violation of sections 2241 through 2245
17 of title 18, United States Code;

18 (16) a violation of sections 2251 and 2251A of
19 title 18, United States Code;

20 (17) a violation of chapter 113 of title 18,
21 United States Code;

22 (18) a violation of sections 2421 through 2424,
23 of title 18, United States Code; and

24 (19) a conspiracy to commit an offense de-
25 scribed in paragraphs (1) through (18).

1 **SEC. 104. CIRCUMSTANCES.**

2 The circumstances described in this section are that
3 the offense described in section 103 was committed by a
4 person who—

5 (1) participates in a transnational criminal car-
6 tel with knowledge that its members engage in or
7 have engaged in a continuing series of offenses de-
8 scribed in section 103;

9 (2) intends to promote or further the felonious
10 activities of the transnational criminal cartel or
11 maintain or increase his or her position in the
12 transnational criminal cartel; and

13 (3) has been convicted within the past 5 years
14 for—

15 (A) an offense described in subsection (c);

16 (B) a State offense—

17 (i) involving a controlled substance (as
18 defined in section 102 of the Controlled
19 Substances Act (21 U.S.C. 802)) for which
20 the maximum penalty is not less than 5
21 years' imprisonment; or

22 (ii) that is a felony crime of violence
23 that has as an element the use or at-
24 tempted use of physical force against the
25 person of another;

1 (C) any Federal or State felony offense
2 that by its nature involves a substantial risk
3 that physical force against the person of an-
4 other may be used in the course of committing
5 the offense; or

6 (D) a conspiracy to commit an offense de-
7 scribed in subparagraph (A), (B), or (C).

8 **TITLE II—AUTHORITIES TO COM-**
9 **BAT TRANSNATIONAL CRIMI-**
10 **NAL CARTELS**

11 **SEC. 201. DEFINITIONS.**

12 For purposes of this title:

13 (1) The term “first-degree family member” has
14 the meaning given such term in section 1635.3 of
15 title 29, Code of Federal Regulations (or any suc-
16 cessor thereto).

17 (2) The term “second-degree family member”
18 has the meaning given such term in section 1635.3
19 of title 29, Code of Federal Regulations (or any suc-
20 cessor thereto).

21 **SEC. 202. FINANCIAL.**

22 (a) PROHIBITION ON USE OF FINANCIAL INSTITU-
23 TIONS.—Members of transnational criminal cartels shall
24 be prohibited from utilizing financial institutions located
25 in or doing business in the United States.

1 (b) ASSET FORFEITURE.—Members convicted for in-
2 involvement in transnational criminal cartels shall forfeit all
3 assets associated with their involvement in transnational
4 criminal activity in accordance with the procedures under
5 section 981 of title 18, United States Code, except that
6 the assets seized and proceeds deriving therefrom shall be
7 deposited into a fund to be known as the “CARTEL
8 Fund”.

9 (c) DISTRIBUTION OF FUNDS FROM ASSETS
10 SEIZED.—Amounts in the CARTEL Fund shall be dis-
11 tributed each fiscal year as follows:

12 (1) 75 percent of funds shall be distributed to
13 the Department of Homeland Security, to be distrib-
14 uted by the Secretary of Homeland Security to—

15 (A) Customs and Border Protection; and

16 (B) Immigrations and Customs Enforce-
17 ment.

18 (2) 25 percent of funds shall be distributed to
19 the Department of Justice, to be distributed by the
20 Attorney General to the Drug Enforcement Adminis-
21 tration.

1 **SEC. 203. TRANSNATIONAL CRIMINAL CARTEL AS A**
2 **GROUND OF INADMISSIBILITY.**

3 Section 212(a)(3) of the Immigration and Nationality
4 Act (8 U.S.C. 1182(a)(3)) is amended by adding at the
5 end the following:

6 “(H) TRANSNATIONAL CRIMINAL CAR-
7 TEL.—Any alien who is a member or affiliate of
8 a transnational criminal cartel, and any first-
9 degree or second-degree family member of such
10 an alien. Terms used in this subparagraph have
11 the meanings given such terms in section
12 1635.3 of title 29 of the Code of Federal Regu-
13 lations (or any successor thereto).”.

14 **SEC. 204. PENALTIES FOR NATIONALS AND RESIDENTS FA-**
15 **CILITATING TRANSNATIONAL CARTELS.**

16 (a) IN GENERAL.—The sentence of any national of
17 the United States convicted as an accessory of an offense
18 described in section 103 shall be increased by up to 15
19 years if the offense is committed under the circumstances
20 described in section 104.

21 (b) DENATURALIZATION.—A naturalized citizen of
22 the United States will be subject to the penalties described
23 in subsection (a) and may be subject to denaturalization,
24 pursuant to section 340(c) of the Immigration and Na-
25 tionality Act (8 U.S.C. 1451(c)).

1 (c) REVOCATION.—Lawful permanent residents of
2 the United States will be subject to the penalties described
3 in subsection (a) and shall be subject to revocation of law-
4 ful permanent resident status and removal proceedings.

5 **SEC. 205. FOREIGN GOVERNMENT COORDINATION.**

6 The Secretary shall coordinate with the Secretary of
7 State to establish a working group to coordinate bi- and
8 multi-lateral efforts in countries or regions where des-
9 ignated transnational criminal organizations operate in
10 order to coordinate and direct efforts by the United States
11 and other governments to combat and contain
12 transnational crime.

13 **SEC. 206. CONNECTIONS BETWEEN GOVERNMENTS AND**
14 **TRANSNATIONAL CRIMINAL ORGANIZATIONS.**

15 Immigrations and Customs Enforcement Homeland
16 Security Investigations, in coordination with the Federal
17 Bureau of Investigations and other relevant United States
18 Governmental entities, shall—

19 (1) investigate governmental corruption and
20 any connections or coordination between foreign gov-
21 ernments where transnational criminal cartels oper-
22 ate; and

23 (2) investigate governmental corruption and
24 any connection or coordination between State, local,

1 Tribal, territorial government where transnational
2 criminal cartels operate.

3 **SEC. 207. SANCTIONS ON FOREIGN GOVERNMENTS FOUND**
4 **TO FACILITATE TRANSNATIONAL CRIMINAL**
5 **CARTELS.**

6 (a) SANCTIONS ON FOREIGN GOVERNMENTS.—Sanc-
7 tions described in subsection (b) may be applied to any
8 foreign government found to—

9 (1) facilitate a designated transnational crimi-
10 nal cartels by providing material support or re-
11 sources, as defined in section 2339A(b)(1) of title
12 18, United States Code;

13 (2) provide resources used by transnational
14 criminal cartels in the commission of their crimes
15 described in 203; or

16 (3) permit, or fail to take adequate measures to
17 prevent, transnational criminal cartel activity within
18 their territory.

19 (b) SANCTIONS DESCRIBED.—The President may
20 consider terminating assistance provided for under the
21 Foreign Assistance Act of 1961 (Public Law 87–195).

1 **SEC. 208. SANCTIONS ON FOREIGN PERSONS FOUND TO FA-**
2 **CILITATE TRANSNATIONAL CRIMINAL CAR-**
3 **TELS.**

4 (a) **SANCTIONS ON FOREIGN PERSONS.**—Any foreign
5 person found to be facilitating a transnational criminal
6 cartel by providing material support or resources, as de-
7 fined in section 2339A(b)(1) of title 18, United States
8 Code, shall be subject to the sanctions described in sub-
9 section (b).

10 (b) **SANCTIONS DESCRIBED.**—

11 (1) **IN GENERAL.**—The President may, in ac-
12 cordance with the International Emergency Eco-
13 nomic Powers Act (50 U.S.C. 1701 et seq.), block
14 all transactions in all property and interests in prop-
15 erty of a foreign person described in subsection (a)
16 if such property and interests in property are in the
17 United States, come within the United States, or are
18 or come within the possession or control of a United
19 States person.

20 (2) **PENALTIES.**—A person that violates, at-
21 tempts to violate, conspires to violate, or causes a
22 violation of any prohibition imposed by the President
23 pursuant to paragraph (1) shall be subject to the
24 penalties set forth in subsections (b) and (c) of sec-
25 tion 206 of the International Emergency Economic
26 Powers Act (50 U.S.C. 1705) to the same extent as

1 a person that commits an unlawful act described in
2 subsection (a) of that section.

3 (3) EXCLUSION FROM THE UNITED STATES
4 AND REVOCATION OF VISA OR OTHER DOCUMENTA-
5 TION.—In the case of an alien determined by the
6 President to be subject to subsection (a), the alien
7 shall be subject to denial of a visa to, and exclusion
8 from, the United States, and revocation in accord-
9 ance with section 221(i) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1201(i)), of any visa or other
11 documentation of the alien.

12 (c) FOREIGN PERSON DEFINED.—In this section the
13 term “foreign person” means—

14 (1) any natural person who is not a lawful per-
15 manent resident, as defined by section 101(a)(20) of
16 the Immigration and Nationality Act (8 U.S.C.
17 1101(a)(20)), or who is not a protected individual,
18 as defined by section 274B(a)(3) of such Act (8
19 U.S.C. 1324b(a)(3)); or

20 (2) any foreign corporation, business associa-
21 tion, partnership, trust, society or any other entity
22 or group that is not incorporated or organized to do
23 business in the United States, as well as inter-
24 national organizations, foreign governments and any

1 agency or subdivision of foreign governments (e.g.,
2 diplomatic missions).

3 **SEC. 209. PENALTIES ON FINANCIAL INSTITUTIONS CON-**
4 **TINUING TO DO BUSINESS WITH**
5 **TRANSNATIONAL CRIMINAL ORGANIZATIONS.**

6 Any financial institution that intentionally fails to
7 comply with section 202(a) shall be subject to a civil pen-
8 alty in an amount that is the greater of—

- 9 (1) \$50,000 per violation; or
10 (2) twice the amount of which the financial in-
11 stitution was required under such section 103(b)(3)
12 to retain possession or control.

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