

118TH CONGRESS  
1ST SESSION

# S. 1048

To designate Mexican cartels and other transnational criminal organizations as foreign terrorist organizations and recognizing the threats those organizations pose to the people of the United States as terrorism, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 29, 2023

Mr. GRAHAM (for himself, Mr. KENNEDY, Mrs. BLACKBURN, Mr. HAWLEY, Mr. DAINES, Mr. LEE, and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Select Committee on Intelligence

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## A BILL

To designate Mexican cartels and other transnational criminal organizations as foreign terrorist organizations and recognizing the threats those organizations pose to the people of the United States as terrorism, 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.**

4 This Act may be cited as the “Ending the Notorious,  
5 Aggressive, and Remorseless Criminal Organizations and

1 Syndicates Act of 2023” or the “Ending the NARCOS  
2 Act of 2023”.

3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

5 (1) The national security of the United States,  
6 along with the health and safety of the citizens of  
7 the United States, is under attack by Mexican car-  
8 tels and other transnational criminal organizations  
9 that engage in acts of terrorism to exploit the bor-  
10 ders of the United States and further their unlawful  
11 business of producing and importing illicitly manu-  
12 factured fentanyl, a substance that kills hundreds of  
13 thousands of people in the United States each year,  
14 methamphetamine, and other controlled substances.

15 (2) Fentanyl is a synthetic opioid that is up to  
16 50 times stronger than heroin and 100 times strong-  
17 er than morphine, and some fentanyl-related sub-  
18 stances can have even greater potency.

19 (3) Although pharmaceutical fentanyl is pre-  
20 scribed by doctors to treat severe pain, illicitly man-  
21 ufactured fentanyl and fentanyl-related substances  
22 are created using precursor chemicals that are pre-  
23 dominantly imported from China and distributed  
24 through illegal drug markets, most commonly by  
25 Mexican cartels across the southern border.

1           (4) According to the Centers for Disease Con-  
2           trol and Prevention, nearly 110,000 people in the  
3           United States died during fiscal year 2022 from  
4           drug overdoses.

5           (5) Approximately 66 percent of those deaths in  
6           fiscal year 2022 related to illicitly manufactured  
7           fentanyl.

8           (6) In December 2022, the Washington Post re-  
9           ported that, from 2019 to 2021, fatal fentanyl  
10          overdoses surged 94 percent and an estimated 196  
11          people in the United States are now dying each day  
12          from the drug, which is the equivalent of a fully  
13          loaded Boeing 757–200 crashing and killing every-  
14          one on board every day.

15          (7) The single largest loss of life resulting from  
16          a foreign attack on United States soil was the Sep-  
17          tember 11 terrorist attacks, which killed 2,977 peo-  
18          ple, and fentanyl overdoses cause the equivalent of  
19          a new September 11 nearly every 2 weeks.

20          (8) In fiscal year 2022, the United States suf-  
21          fered more fentanyl-related deaths than gun- and  
22          auto-related deaths combined.

23          (9) Illicit fentanyl is now the number one cause  
24          of death among people in the United States between  
25          the ages of 18 and 45.

1           (10) A 2017 analysis, accounting for the costs  
2 of health care, criminal justice, lost productivity and  
3 social and family services, estimated that the total  
4 cost of the drug epidemic of the United States facili-  
5 tated by Mexican cartels and other transnational  
6 criminal organizations was more than  
7 \$1,000,000,000,000 annually, or 5 percent of gross  
8 domestic product.

9           (11) Law enforcement and immigration officers  
10 report that smugglers evade apprehension and suc-  
11 cessfully bring large quantities of fentanyl, meth-  
12 amphetamine, and other illicit drugs into the United  
13 States.

14           (12) Despite seizures both at and between ports  
15 of entry, like the recent seizure by U.S. Customs  
16 and Border Protection of nearly 54 pounds of  
17 fentanyl pills and 32 pounds of methamphetamine at  
18 the Andrade Port of Entry, domestic supply of these  
19 controlled substances indicate a massive amount of  
20 controlled substances are still pouring across our  
21 border.

22           (13) The Federal Government possesses unuti-  
23 lized resources and lawful measures to combat the  
24 cartels through the designation of those groups as  
25 foreign terrorist organizations.

1           (14) Foreign terrorist organizations are foreign  
2 organizations that are designated by the Secretary  
3 of State in accordance with section 219 of the Immi-  
4 gration and Nationality Act (8 U.S.C. 1189).

5           (15) The designation of organizations as for-  
6 eign terrorist organizations plays a critical role in  
7 the fight against terrorism and is an effective means  
8 of curtailing support for terrorist activities and pres-  
9 suring groups to get out of the terrorism business  
10 because such a designation gives law enforcement  
11 agencies and prosecutors greater powers to freeze  
12 the assets of an organization, to deny members of  
13 the organization entry into the United States, and to  
14 seek tougher punishments against those who provide  
15 material support to the organization.

16           (16) Under section 219 of the Immigration and  
17 Nationality Act (8 U.S.C. 1189), the Secretary of  
18 State may designate an organization as a foreign  
19 terrorist organization if—

20                   (A) the organization is a foreign organiza-  
21 tion;

22                   (B) the organization engages in terrorist  
23 activity or terrorism, or retains the capability  
24 and intent to engage in terrorist activity or ter-  
25 rorism; and

1           (C) the terrorist activity or terrorism of  
2           the organization threatens the security of  
3           United States nationals or the national security  
4           of the United States.

5           (17) Mexican cartels satisfy each of those three  
6           criteria, as they are foreign organizations based out-  
7           side the United States, they engage in “terrorist ac-  
8           tivity” such as assassinations, kidnaping, or use of  
9           explosives and firearms, and their terrorist activities  
10          threaten the security of the United States and the  
11          people of the United States.

12          (18) For instance, four United States citizens,  
13          including 3 people from South Carolina, were re-  
14          cently kidnaped by Mexican drug cartels in Mata-  
15          moros, Mexico, where at least 2 were tragically killed  
16          in cartel violence.

17          (19) Mexican cartels and other transnational  
18          criminal organizations, as foreign organizations,  
19          make billions of dollars each year importing deadly  
20          drugs into the United States, especially fentanyl and  
21          methamphetamine, which results in the deaths of  
22          hundreds of thousands of people in the United  
23          States each year.

24          (20) United States Southern Command reports  
25          that criminal organizations, including drug cartels,

1 in their Area of Responsibility generate an estimated  
2 annual revenue of approximately \$300,000,000,000  
3 more than 5-times the combined defense budget for  
4 the region, including Mexico.

5 (21) The death and destruction caused by the  
6 illicit drug trade is not limited to overdoses and  
7 gang violence, rather, it extends to a significant pro-  
8 portion of nearly all other criminal activity in the  
9 United States, including burglary, carjacking, rob-  
10 bery, aggravated assault, domestic violence, felony  
11 traffic violations, and much more, and it also ex-  
12 tends to drug addictions that often result in home-  
13 lessness, suicide, human trafficking, child sex traf-  
14 ficking, broken families, birth defects, and other  
15 maladies that are devastating communities across  
16 the United States.

17 (22) The national security threat posed by  
18 Mexican cartels and other transnational criminal or-  
19 ganizations extends beyond the sale of fentanyl and  
20 other drugs, as these organizations have also shown  
21 a lethal willingness to protect their business by any  
22 means necessary, including organizing Armed Forces  
23 to fight both their rivals and the Government of  
24 Mexico, creating a dangerous and unstable situation  
25 on the southern border of the United States with in-

1       nocent people of the United States caught in the  
2       crossfire.

3               (23) The chaos and calamity caused by Mexican  
4       cartels and other transnational criminal organiza-  
5       tions at the southern border teeters on all-out war,  
6       with the Government of Mexico deploying more than  
7       200,000 Federal troops to fight the cartels, and even  
8       with that military presence, the kidnaping, decapita-  
9       tions, and terror continue, including on and near  
10      United States soil.

11              (24) According to statistics of the United Na-  
12      tions, the homicide rate in the United States South-  
13      ern Command's Area of Responsibility was a stag-  
14      gering 15.7 per 100,000 in 2020, out of a global av-  
15      erage of 5.6 per 100,000, no doubt due to the vio-  
16      lence of transnational criminal organizations in the  
17      region.

18              (25) The Department of State has already rec-  
19      ognized the reality of the terror caused by Mexican  
20      cartels, issuing its highest level of travel warning for  
21      all but 2 of Mexico's 32 States due to increased  
22      threats of crime and kidnaping and having already  
23      named Colombia-based groups like the Revolutionary  
24      Armed Forces of Colombia-People's Army (FARC-  
25      EP), Revolutionary Armed Forces of Colombia-



1 Segunda Marquetalia (FARC–SM), and the Na-  
2 tional Liberation Army (ELN) as foreign terrorist  
3 organizations.

4 (26) There are already known links between  
5 transnational criminal organizations and designated  
6 foreign terrorist organizations, such as Hezbollah,  
7 al-Qaeda, Hamas, and the Islamic State.

8 (27) Existing counter-narcotics efforts under  
9 the Foreign Narcotics Kingpin Designation Act (21  
10 U.S.C. 1901 et seq.), focusing on financial sanc-  
11 tions, and designating these organizations as foreign  
12 terrorist organizations are better methods for ad-  
13 dressing the increasing violence and supply of deadly  
14 fentanyl and other drugs being shipped across the  
15 border.

16 (28) Designating Mexican cartels and other  
17 transnational criminal organizations as foreign ter-  
18 rorist organizations would enable—

19 (A) the use of section 1010A of the Con-  
20 trolled Substances Import and Export Act (21  
21 U.S.C. 960a) to prosecute drug traffickers asso-  
22 ciated with these organizations for providing pe-  
23 cuniary support to a foreign terrorist organiza-  
24 tion;

1 (B) the use of section 2339B of title 18,  
2 United States Code, to prosecute anyone who  
3 knowingly provides material support or re-  
4 sources to these organizations, including paying  
5 human traffickers or those who provide any  
6 logistical support or services to these organiza-  
7 tions;

8 (C) the use of such section 2339B to im-  
9 pose civil penalties on any financial institution  
10 that fails to freeze and report any funds in  
11 which these organizations have any interest;  
12 and

13 (D) through those statutes, the use of  
14 extraterritorial jurisdiction to target and pros-  
15 ecute foreign nationals involved with Mexican  
16 cartels and other transnational criminal organi-  
17 zations.

18 **SEC. 3. DESIGNATION OF CERTAIN DRUG CARTELS AS FOR-**  
19 **EIGN TERRORIST ORGANIZATIONS.**

20 (a) DESIGNATIONS.—The following cartels, including  
21 any faction of such a cartel, associated forces, or subse-  
22 quent groups, are hereby deemed to be foreign terrorist  
23 organizations pursuant to section 219 of the Immigration  
24 and Nationality Act (8 U.S.C. 1189):

25 (1) The Sinaloa Cartel.

- 1 (2) The Jalisco New Generation Cartel.
- 2 (3) The Gulf Cartel.
- 3 (4) The Los Zetas Cartel.
- 4 (5) The Northeast Cartel.
- 5 (6) The Juarez Cartel.
- 6 (7) The Tijuana Cartel.
- 7 (8) The Beltran-Leyva Cartel.
- 8 (9) The La Familia Michoacana, also known as
- 9 the Knight Templar Cartel.

10 (b) LIMITATION.—Notwithstanding any other provi-  
11 sion of law, the designation of any organization as a for-  
12 eign terrorist organization under this section shall not pro-  
13 vide a basis for any alien to obtain any withholding, defer-  
14 ral, relief, or protection from removal of any kind.

15 **SEC. 4. ESTABLISHMENT OF INTERAGENCY TASK FORCE TO**  
16 **COMBAT MEXICAN CARTELS AND OTHER**  
17 **TRANSNATIONAL CRIMINAL ORGANIZATIONS.**

18 (a) DEFINITIONS.—In this section:

19 (1) AGENCIES.—The term “agencies” has the  
20 meaning given the term “Executive agencies” in sec-  
21 tion 105 of title 5, United States Code.

22 (2) APPROPRIATE COMMITTEES OF CON-  
23 GRESS.—The term “appropriate committees of Con-  
24 gress” means—

1 (A) the Committee on Foreign Relations,  
2 the Committee on the Judiciary, the Select  
3 Committee on Intelligence, the Committee on  
4 Armed Services, the Committee on Finance,  
5 and the Committee on Homeland Security and  
6 Governmental Affairs of the Senate; and

7 (B) the Committee on Foreign Affairs, the  
8 Committee on the Judiciary, the Permanent Se-  
9 lect Committee on Intelligence, the Committee  
10 on Armed Services, the Committee on Financial  
11 Services, and the Committee on Homeland Se-  
12 curity of the House of Representatives.

13 (3) TRANSNATIONAL CRIMINAL ORGANIZA-  
14 TION.—The term “transnational criminal organiza-  
15 tion” means a group of persons, such as those set  
16 forth under section 3(a), that includes—

17 (A) one or more foreign persons;

18 (B) that engages in an ongoing pattern of  
19 serious criminal activity involving the jurisdic-  
20 tions of at least 2 foreign countries; and

21 (C) that threatens the national security,  
22 foreign policy, or economy of the United States.

23 (b) ESTABLISHMENT.—

24 (1) IN GENERAL.—The Director of National In-  
25 telligence shall establish an interagency task force on

1 combating Mexican cartels and other transnational  
2 criminal organizations.

3 (2) DESIGNATION.—The task force established  
4 under paragraph (1) shall be known as the “Inter-  
5 agency Task Force to Combat Mexican Cartels and  
6 Other Transnational Criminal Organizations” (in  
7 this section referred to as the “Task Force”).

8 (c) COMPOSITION.—The Task Force shall be com-  
9 posed of the following, or their designees:

10 (1) The Director of National Intelligence.

11 (2) The Secretary of State.

12 (3) The Secretary of Defense.

13 (4) The Attorney General.

14 (5) The Secretary of Homeland Security.

15 (6) The Secretary of the Treasury.

16 (d) HEAD OF TASK FORCE.—The Director of Na-  
17 tional Intelligence shall be the head of the Task Force.

18 (e) PRIMARY MISSIONS.—The primary missions of  
19 the Task Force are as follows:

20 (1) To eliminate the threat posed to the United  
21 States by Mexican cartels and other transnational  
22 criminal organizations, including any and all violence  
23 perpetrated by such groups against the United  
24 States or the citizens of the United States including

1 the threat posed by the distribution of controlled  
2 substances into the United States.

3 (2) To serve as the primary organization in the  
4 United States Government for analyzing and inte-  
5 grating all intelligence possessed or acquired by the  
6 United States Government pertaining to Mexican  
7 cartels and other transnational criminal organiza-  
8 tions.

9 (3) To conduct strategic international oper-  
10 ational planning for activities to counter the Mexican  
11 cartels and other transnational criminal organiza-  
12 tions, integrating all instruments of national power,  
13 including diplomatic, financial, military, intelligence,  
14 homeland security, and law enforcement activities  
15 within and among agencies.

16 (4) To assign roles and responsibilities as part  
17 of its strategic operational planning duties to lead  
18 agencies, as appropriate, for activities to counter the  
19 Mexican cartels and other transnational criminal or-  
20 ganizations that are consistent with applicable provi-  
21 sions of law and that support strategic operational  
22 plans, but shall not direct the execution of any re-  
23 sulting operations.

24 (5) To ensure that agencies, as appropriate,  
25 have access to and receive all-source intelligence sup-

1 port needed to execute their plans or perform inde-  
2 pendent, alternative analysis.

3 (6) To ensure that such agencies have access to  
4 and receive intelligence needed to accomplish their  
5 assigned activities.

6 (7) To serve as the central and shared knowl-  
7 edge repository on known and suspected cartel or  
8 transnational criminal organization members, as well  
9 as their goals, strategies, capabilities, and networks  
10 of contacts and support.

11 (f) INITIAL REPORT REQUIRED.—

12 (1) IN GENERAL.—Not later than 30 days after  
13 the date of the enactment of this Act, the Task  
14 Force shall submit to the appropriate committees of  
15 Congress a detailed report regarding—

16 (A) any other Mexican cartels, or factions  
17 of cartels, and transnational criminal organiza-  
18 tions that should be designated as foreign ter-  
19 rorist organizations under section 219 of the  
20 Immigration and Nationality Act (8 U.S.C.  
21 1189), including the criteria justifying each  
22 such designation;

23 (B) any foreign organization which pro-  
24 vides illicit services to Mexican cartels and  
25 transnational criminal organizations, including

1 controlled substance precursor chemicals and  
2 money laundering services, and whether they  
3 qualify as a foreign terrorist organization under  
4 section 219 of such Act (8 U.S.C. 1189);

5 (C) any current Government policy, law, or  
6 position that prevents the United States Gov-  
7 ernment from accomplishing the goal of eradi-  
8 cating the Mexican cartels and transnational  
9 criminal organizations, or stopping the flow of  
10 controlled substances into the United States;  
11 and

12 (D) a detailed plan to expand the intel-  
13 ligence gathering and sharing capability of the  
14 United States Government to eradicate the  
15 Mexican cartels and transnational criminal or-  
16 ganizations, including any steps that Congress  
17 must take to streamline this intelligence proc-  
18 ess.

19 (2) FORM.—The report submitted under para-  
20 graph (1) shall be submitted in unclassified form,  
21 but may include a classified annex.

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