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.

IN THE SENATE OF THE UNITED STATES

Mr. Graham (for himself, Mr. Kennedy, Mrs. Blackburn, Mr. Hawley, Mr. Daines, and Mr. Lee) introduced the following bill; which was read twice and referred to the Committee on

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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ending the Notorious, Aggressive, and Remorseless Criminal Organizations and Syndicates Act of 2023” or the “Ending the NARCOS Act of 2023”.
SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The national security of the United States, along with the health and safety of the citizens of the United States, is under attack by Mexican cartels and other transnational criminal organizations that engage in acts of terrorism to exploit the borders of the United States and further their unlawful business of producing and importing illicitly manufactured fentanyl, a substance that kills hundreds of thousands of people in the United States each year, methamphetamine, and other controlled substances.

(2) Fentanyl is a synthetic opioid that is up to 50 times stronger than heroin and 100 times stronger than morphine, and some fentanyl-related substances can have even greater potency.

(3) Although pharmaceutical fentanyl is prescribed by doctors to treat severe pain, illicitly manufactured fentanyl and fentanyl-related substances are created using precursor chemicals that are predominantly imported from China and distributed through illegal drug markets, most commonly by Mexican cartels across the southern border.

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

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

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

(7) The single largest loss of life resulting from a foreign attack on United States soil was the September 11 terrorist attacks, which killed 2,977 people, and fentanyl overdoses cause the equivalent of a new September 11 nearly every 2 weeks.

(8) In fiscal year 2022, the United States suffered more fentanyl-related deaths than gun- and auto-related deaths combined.

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

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

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

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

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

(14) Foreign terrorist organizations are foreign
organizations that are designated by the Secretary
of State in accordance with section 219 of the Immi-


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

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

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

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

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

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

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

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

(20) United States Southern Command reports
that criminal organizations, including drug cartels,
in their Area of Responsibility generate an estimated
annual revenue of approximately $300,000,000,000
more than 5-times the combined defense budget for
the region, including Mexico.

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

(22) The national security threat posed by
Mexican cartels and other transnational criminal or-
ganizations extends beyond the sale of fentanyl and
other drugs, as these organizations have also shown
a lethal willingness to protect their business by any
means necessary, including organizing armed forces
to fight both their rivals and the Government of
Mexico, creating a dangerous and unstable situation
on the southern border of the United States with in-
ocent people of the United States caught in the
crossfire.
(23) The chaos and calamity caused by Mexican cartels and other transnational criminal organizations at the southern border teeters on all-out war, with the Government of Mexico deploying more than 200,000 Federal troops to fight the cartels, and even with that military presence, the kidnaping, decapitations, and terror continue, including on and near United States soil.

(24) According to statistics of the United Nations, the homicide rate in the United States Southern Command’s Area of Responsibility was a staggering 15.7 per 100,000 in 2020, out of a global average of 5.6 per 100,000, no doubt due to the violence of transnational criminal organizations in the region.

(25) The Department of State has already recognized the reality of the terror caused by Mexican cartels, issuing its highest level of travel warning for all but 2 of Mexico’s 32 states due to increased threats of crime and kidnaping and having already named Colombia-based groups like the Revolutionary Armed Forces of Colombia-People’s Army (FARC–EP), Revolutionary Armed Forces of Colombia-Segunda Marquetalia (FARC–SM), and the Na-
tional Liberation Army (ELN) as foreign terrorist organizations.

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

(27) Existing counter-narcotics efforts under the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), focusing on financial sanctions, and designating these organizations as foreign terrorist organizations are better methods for addressing the increasing violence and supply of deadly fentanyl and other drugs being shipped across the border.

(28) Designating Mexican cartels and other transnational criminal organizations as foreign terrorist organizations would enable—

(A) the use of section 1010A of the Controlled Substances Import and Export Act (21 U.S.C. 960a) to prosecute drug traffickers associated with these organizations for providing pecuniary support to a foreign terrorist organization;

(B) the use of section 2339B of title 18, United States Code, to prosecute anyone who
knowingly provides material support or resources to these organizations, including paying human traffickers or those who provide any logistical support or services to these organizations;

(C) the use of such section 2339B to impose civil penalties on any financial institution that fails to freeze and report any funds in which these organizations have any interest; and

(D) through those statutes, the use of extraterritorial jurisdiction to target and prosecute foreign nationals involved with Mexican cartels and other transnational criminal organizations.

SEC. 3. DESIGNATION OF CERTAIN DRUG CARTELS AS FOREIGN TERRORIST ORGANIZATIONS.

(a) Designations.—The following cartels, including any faction of such a cartel, associated forces, or subsequent groups, are hereby deemed to be foreign terrorist organizations pursuant to section 219 of the Immigration and Nationality Act (8 U.S.C. 1189):

(1) The Sinaloa Cartel.

(2) The Jalisco New Generation Cartel.

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

(b) LIMITATION.—Notwithstanding any other provision of law, the designation of any organization as a foreign terrorist organization under this section shall not provide a basis for any alien to obtain any withholding, deferral, relief, or protection from removal of any kind.

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

(a) DEFINITIONS.—In this section:

(1) AGENCIES.—The term “agencies” has the meaning given the term “Executive agencies” in section 105 of title 5, United States Code.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Foreign Relations,
the Committee on the Judiciary, the Select Committee on Intelligence, the Committee on
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Armed Services, the Committee on Finance,
and the Committee on Homeland Security and
Governmental Affairs of the Senate; and

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

(3) **TRANSTATIONAL CRIMINAL ORGANIZA-
TION.**—The term “transnational criminal organiza-

(A) one or more foreign persons;

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

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

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Director of National In-
telligence shall establish an interagency task force on
combating Mexican cartels and other transnational
criminal organizations.
(2) DESIGNATION.—The task force established under paragraph (1) shall be known as the “Inter-agency Task Force to Combat Mexican Cartels and Other Transnational Criminal Organizations” (in this section referred to as the “Task Force”).

(c) COMPOSITION.—The Task Force shall be composed of the following, or their designees:

(1) The Director of National Intelligence.
(2) The Secretary of State.
(3) The Secretary of Defense.
(4) The Attorney General.
(6) The Secretary of the Treasury.

(d) HEAD OF TASK FORCE.—The Director of National Intelligence shall be the head of the Task Force.

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

(1) To eliminate the threat posed to the United States by Mexican cartels and other transnational criminal organizations, including any and all violence perpetrated by such groups against the United States or the citizens of the United States including the threat posed by the distribution of controlled substances into the United States.
(2) To serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to Mexican cartels and other transnational criminal organizations.

(3) To conduct strategic international operational planning for activities to counter the Mexican cartels and other transnational criminal organizations, integrating all instruments of national power, including diplomatic, financial, military, intelligence, homeland security, and law enforcement activities within and among agencies.

(4) To assign roles and responsibilities as part of its strategic operational planning duties to lead agencies, as appropriate, for activities to counter the Mexican cartels and other transnational criminal organizations that are consistent with applicable provisions of law and that support strategic operational plans, but shall not direct the execution of any resulting operations.

(5) To ensure that agencies, as appropriate, have access to and receive all-source intelligence support needed to execute their plans or perform independent, alternative analysis.
(6) To ensure that such agencies have access to and receive intelligence needed to accomplish their assigned activities.

(7) To serve as the central and shared knowledge repository on known and suspected cartel or transnational criminal organization members, as well as their goals, strategies, capabilities, and networks of contacts and support.

(f) **Initial Report Required.**—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Task Force shall submit to the appropriate committees of Congress a detailed report regarding—

(A) any other Mexican cartels, or factions of cartels, and transnational criminal organizations that should be designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), including the criteria justifying each such designation;

(B) any foreign organization which provides illicit services to Mexican cartels and transnational criminal organizations, including controlled substance precursor chemicals and money laundering services, and whether they...
qualify as a foreign terrorist organization under
section 219 of such Act (8 U.S.C. 1189);

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

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

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