

112TH CONGRESS
2D SESSION

H. R. 4303

To direct the Secretary of State to designate as foreign terrorist organizations certain Mexican drug cartels and submit a report on the activities the Department of State is taking to assist Mexico with drug cartel violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2012

Mr. McCAUL (for himself and Mr. MACK) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, 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 direct the Secretary of State to designate as foreign terrorist organizations certain Mexican drug cartels and submit a report on the activities the Department of State is taking to assist Mexico with drug cartel violence, 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. FINDINGS.**

4 Congress finds the following:

5 (1) The Office of Counterterrorism of the De-
6 partment of State has stated, “FTO (Foreign Ter-

1 rorist Organizations) designations play a critical role
2 in our fight against terrorism and are an effective
3 means of curtailing support for terrorist activities
4 and pressuring groups to get out of the terrorism
5 business.”.

6 (2) Assistant Secretary Brownfield acknowl-
7 edged in sworn testimony on October 4, 2011, that
8 “[M]any of the facts on the ground, the things that
9 are being done by those organizations (drug cartels),
10 are consistent with what we would call either ter-
11 rorism or insurgency in other countries.”.

12 (3) On October 27, 2011, Secretary Clinton
13 during a Congressional Hearing stated: “. . . we are
14 sensitive to the characteristics that some of these
15 drug traffickers have adopted that certainly resemble
16 terrorist activities . . . I have said it has character-
17 istics of an insurgency . . .”.

18 (4) When Americans at home and abroad, in-
19 cluding agents assigned to protect United States
20 borders and national security, are targeted, threat-
21 ened, and attacked by such foreign entities, it
22 threatens the safety and security of the United
23 States and its people.

24 (5) Mexican drug cartels maintain drug-dis-
25 tribution networks, or supply drugs to distributors,

1 in at least 230 American cities, leading the Justice
2 Department to call Mexican drug cartels the “great-
3 est organized crime threat” to the United States.

4 (6) On March 13, 2010, Lesley A. Enriquez, an
5 employee of the United States consulate in Mexico,
6 and her husband, Arthur H. Redelfs, a detention of-
7 ficer with the El Paso County Jail, were targeted
8 and killed allegedly by a drug trafficking organiza-
9 tion (DTO).

10 (7) On February 15, 2011, the Zeta DTO bold-
11 ly attacked and killed United States Immigration
12 and Customs Enforcement agent Jamie Zapata, and
13 wounded a second agent, Victor Avila.

14 (8) Since President Calderón took office in late
15 2006, assaults on Border Patrol agents have in-
16 creased from 729 in fiscal year 2006 to 1,039 in fis-
17 cal year 2011.

18 (9) In Mexico, there have been over 8,000
19 homicides in 2011, increasing the number of deaths
20 related to organized crime and pushing the number
21 of deaths to over 40,000 since President Calderón
22 came to office in late 2006.

23 (10) In early August 2010, President Calderón
24 described the violence perpetrated by the DTOs as

1 “a challenge to the state, an attempt to replace the
2 state”.

3 (11) In 2010 there were 13 political assassina-
4 tions, including several that took place around the
5 July municipal and state elections.

6 (12) In the 5 years of the Calderón govern-
7 ment’s crackdown on the DTOs, more than 40 jour-
8 nalists in Mexico have been murdered or disappeared
9 according to the International Committee to Protect
10 Journalists, including at least 7 journalists in 2011.

11 (13) DTOs use car bombs, displays of mur-
12 dered individuals, body mutilations, beheadings, and
13 other indiscriminate attacks on civilians, including
14 the August 25, 2011, Casino Royale arson fire in
15 Monterrey, to intimidate the public.

16 (14) President Calderón’s response to a DTO’s
17 burning of the Casino Royale and murder of 52 in-
18 nocent civilians was, “We are facing true terrorists
19 . . .”.

20 (15) The Mexican drug cartels meet all of the
21 legal criteria for designation as foreign terrorist or-
22 ganizations under section 219 of the Immigration
23 and Nationality Act (8 U.S.C. 1189):

24 (A) The organizations are foreign organi-
25 zations.

1 (B) The organizations engage in terrorist
2 activity (as defined in section 212(a)(3)(B) of
3 the Immigration and Nationality Act (8 U.S.C.
4 1182(a)(3)(B))) or terrorism (as defined in sec-
5 tion 140(d)(2) of the Foreign Relations Author-
6 ization Act, Fiscal Years 1988 and 1989 (22
7 U.S.C. 2656f(d)(2))), or retain the capability
8 and intent to engage in terrorist activity or ter-
9 rorism.

10 (C) The terrorist activity or terrorism of
11 the organizations threatens the security of
12 United States nationals or the national security
13 of the United States.

14 **SEC. 2. DESIGNATION.**

15 The Secretary of State shall designate under section
16 219 of the Immigration and Nationality Act (8 U.S.C.
17 1189) as a foreign terrorist organization the following:

- 18 (1) The Arellano Felix Organization.
- 19 (2) The Los Zetas Cartel.
- 20 (3) The Juarez Cartel.
- 21 (4) The Beltran Leyva Organization.
- 22 (5) La Familia Michoacana.
- 23 (6) The Sinaloa Cartel.
- 24 (7) The Gulf Cartel/New Federation.

1 **SEC. 3. REPORT.**

2 (a) **IN GENERAL.**—The Secretary of State shall sub-
3 mit to the Committee on Foreign Affairs of the House
4 of Representatives and the Committee on Foreign Rela-
5 tions of the Senate a report on the activities the Depart-
6 ment of State is taking to assist Mexico with drug cartel
7 violence, including programs under the Merida Initiative,
8 training programs, and equipment.

9 (b) **DEFINITION.**—In this section, the term “Merida
10 Initiative” means the program announced by the United
11 States and Mexico on October 22, 2007, to fight illicit nar-
12 cotics trafficking and criminal organizations throughout
13 the Western Hemisphere.

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