

Designating Cartels and Other Criminal Organizations as Foreign Terrorists: Recent Developments

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In furtherance of President Donald Trump’s executive order (E.O.) *Designating Cartels and Other Organizations as Foreign Terrorist Organizations and Specially Designated Global Terrorists* (E.O. 14157 of January 20, 2025), Secretary of State Marco Rubio determined on February 6, 2025, that eight entities meet the criteria for being designated as both [Foreign Terrorist Organizations](#) (FTOs) and [Specially Designated Global Terrorists](#) (SDGTs, pursuant to E.O. 13224, as amended). The designations took effect on February 20, 2025, when they were published in the *Federal Register*.

Secretary Rubio [identified](#) as FTOs/SDGTs six Mexico-based entities known for their role in a wide range of criminal activity, including illicit drug production and trafficking, and brutal tactics: the Sinaloa Cartel, *Cártel de Jalisco Nueva Generación* (CJNG), *Cártel del Noreste* (formerly *Los Zetas*), Gulf Cartel, *La Nueva Familia Michoacana*, and *Carteles Unidos* (an alliance of several criminal groups). Secretary Rubio also identified two transnational Latin American gangs: the *Mara Salvatrucha* (MS-13) and *Tren de Aragua* (TdA).

E.O. 14157 establishes that “[i]t is the policy of the United States to ensure the total elimination of these organizations’ presence in the United States and their ability to threaten the territory, safety, and security of the United States through their extraterritorial command-and-control structures, thereby protecting the American people and the territorial integrity of the United States.”

Policy Context

The decision to designate these groups as terrorists marks a new chapter in the debate regarding whether some of Mexico’s drug trafficking organizations (DTOs) and other transnational criminal organizations (TCOs) bear enough resemblance to terrorist groups to be identified and treated as such for U.S. law enforcement and national security purposes. (Other FTO- and SDGT-designated entities have [reportedly](#) engaged in profit-motivated criminal activity.) Congress has long participated in this debate, having seen bills introduced to designate certain Mexican cartels as FTOs since 2011 (see, for example, H.R. 1270 in the 112th Congress, S. 1048 in the 118th Congress, and H.R. 885 in the 119th Congress).

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The 119th Congress may evaluate whether these new designations lead to changes in criminal group behavior, U.S. anti-crime policy objectives, and U.S. foreign policy, trade, or military dynamics with countries in Latin America. An act of Congress could overturn an [FTO](#) designation, while an [SDGT](#) designation may remain at the executive branch’s discretion. Congress may also monitor the Administration’s application of other policy tools on FTO- or SDGT-designated entities. E.O. 14157, for example, refers to a potential presidential decision to invoke the [Alien Enemies Act](#) to remove certain designated aliens. Separately, Members may consider introducing legislation to authorize (or prohibit) the use of military force on certain entities (see, for example, H.J.Res. 18 in the 118th Congress).

Designation Implications

An FTO and/or SDGT designation subjects such targeted entities to certain U.S. restrictions or sanctions. Seven out of the eight identified “cartels and other organizations” designated by Secretary Rubio as FTOs and SDGTs were already identified under other sanctions programs targeting drug traffickers (pursuant to the Foreign Narcotics Kingpin Designation Act [Kingpin Act; Title VIII of P.L. 106-120, as amended; 21 U.S.C. §§1901 et seq.] and/or [E.O. 14059](#)) and/or TCOs (pursuant to [E.O. 13581](#), as amended). Those groups have already been subject to property blocking (freezing) sanctions and U.S. entry ineligibilities. See [Table 1](#).

Table 1. Applicability of Sanctions on Selected Entities: Designation Dates Across Selected Sanctions Programs

	Foreign Terrorist Organization (FTO) (8 U.S.C. §1189)	Specially Designated Global Terrorist (SDGT) (E.O. 13224, as amended)	Transnational Criminal Organization (TCO) (E.O. 13581, as amended)	Kingpin Act (21 U.S.C. §§1901 et seq.)	Illicit Drugs (E.O. 14059)
<i>Cártel de Jalisco Nueva Generación</i>	2/20/2025	2/20/2025	n/a	4/8/2015	12/15/2021
<i>Cártel del Noreste (formerly Los Zetas)</i>	2/20/2025	2/20/2025	7/24/2011	4/15/2009	12/15/2021
<i>Carteles Unidos</i>	2/20/2025	2/20/2025	n/a	n/a	n/a
<i>Gulf Cartel</i>	2/20/2025	2/20/2025	n/a	6/1/2021	12/15/2021
<i>La Nueva Familia Michoacana</i>	2/20/2025	2/20/2025	n/a	n/a	11/17/2022
<i>Mara Salvatrucha</i>	2/20/2025	2/20/2025	10/11/2012	n/a	n/a
<i>Sinaloa Cartel</i>	2/20/2025	2/20/2025	n/a	4/15/2009	12/15/2021
<i>Tren de Aragua</i>	2/20/2025	2/20/2025	7/11/2024	n/a	n/a

Source: U.S. Department of the Treasury press releases, Specially Designated Nationals List Updates, and the *Federal Register*.

The decision to apply FTO and SDGT terrorism labels on these eight entities brings to bear additional prosecutorial and enforcement options, secondary sanctions possibilities, and immigration-related policy tools.

- **Material Support Violations.** It is unlawful for a person in the United States or subject to U.S. jurisdiction to knowingly provide “material support or resources” to the newly designated FTOs, pursuant to [18 U.S.C. §2339B](#)—a crime punishable with civil and criminal penalties, including up to life in prison if the death of any person results (see also [18 U.S.C. §2333\(d\)\(2\)](#)). On February 5, 2025, in furtherance of E.O. 14157,

Attorney General Pam Bondi issued a [memorandum](#) addressing the applicability of terrorism-related charges, including 18 U.S.C. §2339B, involving cartels and other criminal organizations.

- **Applicability of Secondary Sanctions.** In addition to property blocking (freezing) sanctions applicable to all eight entities (most of which were already subject to such sanctions under the Kingpin Act, E.O. 14059, and/or E.O. 13581), financial sanctions on targeted SDGTs [extend](#) secondary sanctions risks to [foreign financial institutions](#) that “knowingly conducted or facilitated any significant transaction on behalf of any person whose property and interests in property are blocked.”
- **Immigration-Related Restrictions.** Although the Immigration and Nationality Act (INA) restricts U.S. entry and authorizes removal of foreign nationals on drug trafficking and other criminal activity grounds, additional U.S. entry restrictions and removal authorities may apply to those who are found to be subject to specified terrorist-related grounds of admissibility or deportability, including being “associated with a terrorist organization” and having “engaged in a terrorist activity” (8 U.S.C. §§[1182\(a\)\(3\)\(B\)\(i\)\(I\)](#), [1182\(a\)\(3\)\(F\)](#), and [1227\(a\)\(4\)\(B\)](#)). An alien who is subject to these provisions may be barred from certain forms of relief from removal, such as asylum (8 U.S.C. [§1158\(b\)\(2\)\(A\)\(v\)](#)) and adjustment of status (8 U.S.C. [§1255\(a\)](#)).

Foreign Government Reactions

Foreign government responses to the U.S. terrorism designations have varied. The Mexican government has long [opposed](#) such designations, citing their potential effects on tourism and investment, the volume of entities that could be deemed to have provided “material support,” and the potential that they could lead to unilateral [U.S. military operations](#) in Mexico. [U.S. drone surveillance](#) of cartel activities in Mexico, which [reportedly](#) began before the FTO and SDGT designations, may be contributing to such concerns. President Sheinbaum is proposing [constitutional reforms](#) intended to enhance Mexico’s protections against unauthorized foreign interventions. Her government also [transferred](#) 29 cartel leaders to U.S. custody after the designations. The Salvadoran government has [deemed](#) the MS-13 a terrorist group since 2015. The Venezuelan government [asserted](#) that it has dismantled the TdA. The Canadian government, under [pressure](#) to avoid U.S. tariffs, [listed](#) seven of the U.S.-designated groups as “terrorist entities” under the Canadian Criminal Code.

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