

118TH CONGRESS
1ST SESSION

H. R. 3205

To disrupt the international fentanyl supply chain, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mr. McCAUL introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Oversight and Accountability, and Financial Services, 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 disrupt the international fentanyl supply chain, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Project Precursor Act”.

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

Sec. 1. Short title and table of contents.

TITLE I—DEPARTMENT OF STATE BUREAU OF INTERNATIONAL
NARCOTICS AND LAW ENFORCEMENT AFFAIRS, BUREAU OF
GLOBAL PUBLIC AFFAIRS, AND BUREAU OF INTELLIGENCE
AND RESEARCH

Sec. 101. Authorizations to strengthen Mexican law enforcement capacity to
disrupt fentanyl supply chains.

Sec. 102. Public diplomacy as a weapon to delegitimize cartels and disrupt
criminal recruitment.

Sec. 103. Chinese operations in Mexico.

Sec. 104. Relevant congressional committees defined.

TITLE II—CHEMICAL WEAPONS CONVENTION

Sec. 201. Actions to seek to amend the chemical weapons convention to include
covered fentanyl substances on schedule 1, 2, or 3 of the annex
on chemicals to the chemical weapons convention.

TITLE III—SANCTIONS AND OTHER PENALTIES

Subtitle A—Modification and Extension of Fentanyl Sanctions Act

Sec. 301. Determination and report on additional foreign opioid traffickers.

Sec. 302. Termination.

Subtitle B—Sanctions With Respect to Transnational Criminal Organizations

Sec. 311. Imposition of sanctions.

Sec. 312. Sanctions described.

Sec. 313. Penalties; waivers; exceptions.

Sec. 314. Report required.

Subtitle C—Definitions

Sec. 321. Definitions.

1 **TITLE I—DEPARTMENT OF**
2 **STATE BUREAU OF INTER-**
3 **NATIONAL NARCOTICS AND**
4 **LAW ENFORCEMENT AFFAIRS,**
5 **BUREAU OF GLOBAL PUBLIC**
6 **AFFAIRS, AND BUREAU OF IN-**
7 **TELLIGENCE AND RESEARCH**

8 **SEC. 101. AUTHORIZATIONS TO STRENGTHEN MEXICAN**
9 **LAW ENFORCEMENT CAPACITY TO DISRUPT**
10 **FENTANYL SUPPLY CHAINS.**

11 (a) **AUTHORIZATION OF PROGRAM.**—Notwith-
12 standing section 660 of the Foreign Affairs Assistance Act
13 of 1961 (22 U.S.C. 2420), the Secretary of State, acting
14 through the Assistant Secretary of the Bureau of Inter-
15 national Narcotics and Law Enforcement Affairs, is au-
16 thorized to carry out a program to build the capacity of
17 Mexican law enforcement agencies to prevent the transit,
18 trafficking, and distribution of fentanyl and its precursor
19 chemicals and analogues into the United States from Mex-
20 ico.

21 (b) **PROGRAM ELEMENTS.**—The program authorized
22 by subsection (a) shall include projects and activities, at
23 a minimum, that address—

24 (1) canine unit support for drug detection;

1 (2) disrupting fentanyl trafficking in express
2 consignment, as well as in postal, shipping, and
3 transportation operations conducted by the Govern-
4 ment and private business sectors;

5 (3) forensic chemist information exchanges,
6 equipment, and drug profiling;

7 (4) efforts meant to increase Mexican Federal
8 and state laboratory forensic accreditation to iden-
9 tify fentanyl and other drugs;

10 (5) efforts to increase the number of handheld
11 synthetic drug detection devices;

12 (6) the provision of equipment and training re-
13 lated to identifying and dismantling clandestine lab-
14 oratories that produce synthetic drugs;

15 (7) efforts proven to reduce diversion of pre-
16 cursor chemicals from licit to illicit purposes;

17 (8) precursor chemical information sharing be-
18 tween governments and among various agencies;

19 (9) maritime interdiction of synthetic drugs;

20 (10) cargo container control and inspection; and

21 (11) chemical industry mapping.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated \$64,000,000 to carry out
24 the programs described in subsection (a).

1 (d) PRIORITIZATION OF MEXICO IN EFFORTS TO
2 COMBAT INTERNATIONAL FENTANYL TRAFFICKING.—
3 The Secretary of State, acting through the Assistant Sec-
4 retary of the Bureau of International Narcotics and Law
5 Enforcement Affairs, shall prioritize Mexico in all efforts
6 of the Department of State to combat international traf-
7 ficking of fentanyl and other synthetic drugs by carrying
8 out programs and activities in Mexico and throughout the
9 greater Latin American region, in consultation with the
10 Government of Mexico and other relevant governments,
11 with respect to the following:

12 (1) Providing technical assistance and equip-
13 ment, as appropriate, to strengthen the capacity of
14 Mexican law enforcement agencies with respect to
15 combating the trafficking of fentanyl and other syn-
16 thetic drugs.

17 (2) Carrying out exchange programs for govern-
18 mental and nongovernmental personnel, such as pro-
19 grams conducted at the International Law Enforce-
20 ment Academy in El Salvador and at other locations
21 in the United States and Mexico, to provide edu-
22 cational and professional development on disrupting
23 fentanyl supply chains, interdicting fentanyl and
24 precursor chemicals used to produce fentanyl, and
25 other synthetic drugs at seaports and on land and

1 permanently dismantling transnational drug traf-
2 ficking organization operations.

3 (e) REPORT ON LAW ENFORCEMENT COOPERATION
4 AND OBSTRUCTION IN MEXICO.—Not later than 1 year
5 after the date of the enactment of this Act, the Assistant
6 Secretary of the Bureau of International Narcotics and
7 Law Enforcement Affairs shall submit to the relevant con-
8 gressional committees an unclassified report, that may in-
9 clude a classified annex, detailing—

10 (1) efforts taken by the various law enforce-
11 ment agencies in Mexico to disrupt the flow of
12 fentanyl and its precursor chemicals; and

13 (2) the extent to which any part of the Govern-
14 ment of Mexico has refused to work with the United
15 States, or otherwise obstructed, paused, or unneces-
16 sarily delayed bilateral security cooperation with re-
17 spect to disrupting the flow of fentanyl and its pre-
18 cursor chemicals.

19 (f) UNITED STATES DEATH TOLL AS CHIEF MONI-
20 TORING AND EVALUATION METRIC.—

21 (1) METRICS TO EVALUATE EFFORTS.—The Of-
22 fice of Knowledge Management of the Bureau of
23 International Narcotics and Law Enforcement Af-
24 fairs shall use monthly and yearly statistics indi-
25 cating the number of United States citizens who die

1 from the consumption or ingestion of fentanyl and
2 other illicit narcotics—

3 (A) as the primary monitoring and evalua-
4 tion metric of the efforts led by such bureau in
5 Mexico; and

6 (B) to gauge whether bilateral efforts to
7 disrupt synthetic drug production and precursor
8 chemical transit throughout Mexico are achiev-
9 ing measurable desired impacts, with a rising
10 number of United States deaths indicating a
11 failure to achieve such impacts.

12 (2) IMPROPER USE OF DATA.—The Bureau of
13 International Narcotics and Law Enforcement Af-
14 fairs, in its monitoring and evaluation practices, may
15 not use data related to drug seizures or clandestine
16 laboratory raids in Mexico as a substitute for the
17 data described in paragraph (1).

18 (3) REPORT ON PROGRESS.—Not later than
19 180 days after the date of the enactment of this Act,
20 and every 180 days thereafter, the Secretary of
21 State, acting through the Assistant Secretary of the
22 Bureau of International Narcotics and Law Enforce-
23 ment Affairs, shall submit a report to the relevant
24 congressional committees indicating whether, based
25 on the statistics described in paragraph (1), its Mex-

1 ico programs (including projects and activities under
2 the program authorized by subsection (a)) are
3 achieving desired outcomes, including a ranking of
4 all such programs from most effective to least effective.
5 tive.

6 **SEC. 102. PUBLIC DIPLOMACY AS A WEAPON TO**
7 **DELEGITIMIZE CARTELS AND DISRUPT**
8 **CRIMINAL RECRUITMENT.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Assistant Secretary
11 of the Bureau of Global Public Affairs, in consultation
12 with the United States Ambassador to Mexico and other
13 diplomatic and consular posts in Mexico, as well as with
14 the United States entertainment and media industries and
15 private and government actors in Mexico, shall formulate
16 and deploy a public relations campaign, the goal of which
17 is to delegitimize and humiliate, in the Mexican and the
18 United States social consciousness, Mexican transnational
19 criminal organizations involved in illicit fentanyl traf-
20 ficking, as well as to permanently disrupt and cripple such
21 organizations' ability to recruit new members.

22 (b) BRIEFING.—Not later than 90 days after the date
23 of the enactment of this Act, the Bureau of Global Public
24 Affairs shall brief the relevant congressional committees
25 on the implementation of this provision.

1 (c) REPORT.—Not later than 1 year after the date
2 of the enactment of this Act, the Bureau of Global Public
3 Affairs shall submit to the relevant congressional commit-
4 tees a report detailing the implementation of subsection
5 (a).

6 **SEC. 103. CHINESE OPERATIONS IN MEXICO.**

7 Not later than 180 days after the date of the enact-
8 ment of this Act, the Assistant Secretary of the Bureau
9 of Intelligence and Research shall submit to the relevant
10 congressional committees a classified report describing the
11 operations and geographic footprint of all Chinese state-
12 and non-state actors inside Mexico that are involved in
13 the illegal importation, production, transport, or traf-
14 ficking of fentanyl or its precursor chemicals into or
15 through Mexico.

16 **SEC. 104. RELEVANT CONGRESSIONAL COMMITTEES DE-**
17 **FINED.**

18 In this title, the term “relevant congressional com-
19 mittees” means the Committee on Foreign Affairs of the
20 House of Representatives and the Committee on Foreign
21 Relations of the Senate.

1 **TITLE II—CHEMICAL WEAPONS**
2 **CONVENTION**

3 **SEC. 201. ACTIONS TO SEEK TO AMEND THE CHEMICAL**
4 **WEAPONS CONVENTION TO INCLUDE COV-**
5 **ERED FENTANYL SUBSTANCES ON SCHEDULE**
6 **1, 2, OR 3 OF THE ANNEX ON CHEMICALS TO**
7 **THE CHEMICAL WEAPONS CONVENTION.**

8 (a) **IN GENERAL.**—The Secretary of State, in con-
9 sultation with the Secretary of Health and Human Serv-
10 ices and the Attorney General, shall use the voice, vote,
11 and influence of the United States at the Conference of
12 the States Parties to the Chemical Weapons Convention
13 to seek to amend the Chemical Weapons Convention to
14 include each covered fentanyl substance on schedule 1, 2,
15 or 3 of the Annex on Chemicals to the Chemical Weapons
16 Convention.

17 (b) **REPORT.**—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary of State shall
19 submit to Congress a report on the implementation of this
20 section.

21 (c) **DEFINITIONS.**—In this section—

22 (1) the term “Chemical Weapons Convention”
23 means the Convention on the Prohibition of the De-
24 velopment, Production, Stockpiling and use of
25 Chemical Weapons and on their Destruction, done at

1 Paris, January 13, 1993 (commonly known as the
2 “Chemical Weapons Convention”); and

3 (2) the term “covered fentanyl substance”
4 means—

5 (A) fentanyl, including its isomers, esters,
6 ethers, salts, and salts of isomers, esters, and
7 ethers, whenever the existence of such isomers,
8 esters, ethers, and salts is possible within the
9 specific chemical designation (as such terms are
10 used in the Controlled Substances Act (21
11 U.S.C. 801 et seq.));

12 (B) any controlled substance analogue of
13 fentanyl (as the term “controlled substance
14 analogue” is defined in section 102(32) of the
15 Controlled Substances Act (21 U.S.C. 802(32));
16 and

17 (C) any immediate precursor (as defined in
18 section 102(23) of the Controlled Substances
19 Act (21 U.S.C. 802(23)) of fentanyl.

1 **TITLE III—SANCTIONS AND**
2 **OTHER PENALTIES**
3 **Subtitle A—Modification and Ex-**
4 **tension of Fentanyl Sanctions**
5 **Act**

6 **SEC. 301. DETERMINATION AND REPORT ON ADDITIONAL**
7 **FOREIGN OPIOID TRAFFICKERS.**

8 (a) IN GENERAL.—The Fentanyl Sanctions Act (title
9 LXXII of division F of Public Law 116–92; 21 U.S.C.
10 2301 et seq.) is amended by adding after section 7217
11 the following:

12 **“SEC. 7218. DETERMINATION AND REPORT ON ADDITIONAL**
13 **FOREIGN OPIOID TRAFFICKERS.**

14 “(a) DETERMINATION.—

15 “(1) IN GENERAL.—The President shall make a
16 determination as to whether any of the foreign per-
17 sons described in paragraph (2)—

18 “(A) is a foreign opioid trafficker; or

19 “(B) is engaging in any of the conduct de-
20 scribed in Executive Order 14059 (86 Fed.
21 Reg. 71549; relating to imposing sanctions on
22 foreign persons involved in the global illicit drug
23 trade) or has engaged in any such conduct in
24 the prior 365 days.

1 “(2) FOREIGN PERSONS DESCRIBED.—The for-
2 foreign persons described in this paragraph are the fol-
3 lowing:

4 “(A) Any foreign bank (as such term is de-
5 fined in section 1(b) of the International Bank-
6 ing Act of 1978 (12 U.S.C. 3101(b))) that op-
7 erates in—

8 “(i) the People’s Republic of China; or

9 “(ii) Mexico.

10 “(B) Any money transmitting business
11 that processed more than \$25,000,000 in trans-
12 actions in—

13 “(i) any of the 5 calendar years pre-
14 ceding the date of enactment of the Project
15 Precursor Act;

16 “(ii) the calendar year in which the
17 Project Precursor Act is enacted; or

18 “(iii) any calendar year after the cal-
19 endar year described in clause (ii).

20 “(C) Any transnational criminal organiza-
21 tion.

22 “(b) REPORT.—Not later than 90 days after the date
23 of the enactment of the Project Precursor Act, and every
24 180 days thereafter, the President shall submit to the ap-
25 propriate congressional committees a report containing—

1 “(1) a list of all foreign persons that the Presi-
2 dent has determined to be foreign opioid traffickers
3 pursuant to subsection (a); and

4 “(2) for each foreign person identified on the
5 list required by paragraph (1)—

6 “(A) whether the President has imposed
7 any or all of the relevant sanctions described in
8 section 7213 or Executive Order 14059 with re-
9 spect to the foreign person; and

10 “(B) with respect to which any of the
11 sanctions described in section 7213 or Execu-
12 tive Order 14059 have been waived or deter-
13 mined not to apply due to an exception or an
14 exercise of discretion, a description of the spe-
15 cific legal grounds for the waiver, exception, or
16 exercise of discretion.

17 “(c) FORM.—

18 “(1) IN GENERAL.—The report required by
19 subsection (b) shall be submitted in unclassified
20 form, but may contain a classified annex if nec-
21 essary.

22 “(2) PUBLIC AVAILABILITY.—The unclassified
23 portion of the report shall be made available on a
24 publicly available internet website of the Federal
25 Government.

1 “(d) DEFINITIONS.—In this section—

2 “(1) the term ‘money transmitting business’
3 means a foreign person who engages in the activities
4 described in section 5330(d)(1)(A) of title 31,
5 United States Code; and

6 “(2) the term ‘transnational criminal organiza-
7 tion’ has the meaning given that term in section 431
8 of the Project Precursor Act.”.

9 (b) CLERICAL AMENDMENTS.—The table of contents
10 in section 2(b) of Public Law 116–92 and the table of
11 contents in title LXXII of division F of such Public Law
12 are each amended by inserting after the item relating to
13 section 7217 the following:

“Sec. 7218. Determination and report on additional foreign opioid traffickers.”.

14 **SEC. 302. TERMINATION.**

15 Section 7233 of the Fentanyl Sanctions Act (21
16 U.S.C. 2301 et seq.) is amended by striking “7 years after
17 the date of the enactment of this Act” and inserting “7
18 years after the date of the enactment of the Project Pre-
19 cursor Act”.

1 **Subtitle B—Sanctions With Respect**
2 **to Transnational Criminal Orga-**
3 **nizations**

4 **SEC. 311. IMPOSITION OF SANCTIONS.**

5 The President shall impose the sanctions described
6 in section 312 with respect to any foreign person the
7 President determines is knowingly involved in—

8 (1) the trafficking of fentanyl, fentanyl precur-
9 sors, or other related opioids by a transnational
10 criminal organization; or

11 (2) the activities of a transnational criminal or-
12 ganization relating to the trafficking of fentanyl,
13 fentanyl precursors, or other related opioids.

14 **SEC. 312. SANCTIONS DESCRIBED.**

15 (a) **BLOCKING OF PROPERTY.**—The President shall,
16 pursuant to the International Emergency Economic Pow-
17 ers Act (50 U.S.C. 1701 et seq.), block and prohibit all
18 transactions in property and interests in property of a for-
19 eign person described in section 311 if such property and
20 interests in property are in the United States, come within
21 the United States, or are or come within the possession
22 or control of a United States person.

23 (b) **INELIGIBILITY FOR VISAS, ADMISSION, OR PA-**
24 **ROLE.**—

1 (1) VISAS, ADMISSION, OR PAROLE.—An alien
2 described in section 311 shall be—

3 (A) inadmissible to the United States;

4 (B) ineligible to receive a visa or other doc-
5 umentation to enter the United States; and

6 (C) otherwise ineligible to be admitted or
7 paroled into the United States or to receive any
8 other benefit under the Immigration and Na-
9 tionality Act (8 U.S.C. 1101 et seq.).

10 (2) CURRENT VISAS REVOKED.—

11 (A) IN GENERAL.—The visa or other entry
12 documentation of any alien described in section
13 311 is subject to revocation regardless of the
14 issue date of the visa or other entry documenta-
15 tion.

16 (B) IMMEDIATE EFFECT.—A revocation
17 under subparagraph (A) shall in accordance
18 with section 221(i) of the Immigration and Na-
19 tionality Act (8 U.S.C. 1201(i))—

20 (i) take effect immediately; and

21 (ii) cancel any other valid visa or
22 entry documentation that is in the posses-
23 sion of the alien.

1 **SEC. 313. PENALTIES; WAIVERS; EXCEPTIONS.**

2 (a) PENALTIES.—A person that violates, attempts to
3 violate, conspires to violate, or causes a violation of this
4 subtitle or any regulation, license, or order issued to carry
5 out this subtitle shall be subject to the penalties set forth
6 in subsections (b) and (c) of section 206 of the Inter-
7 national Emergency Economic Powers Act (50 U.S.C. 20
8 1705) to the same extent as a person that commits an
9 unlawful act described in subsection (a) of that section.

10 (b) WAIVER AUTHORITY.—

11 (1) IN GENERAL.—The President may waive
12 the imposition of sanctions under this subtitle if the
13 President determines, and reports to the appropriate
14 congressional committees, that—

15 (A) the waiver is needed for humanitarian
16 purposes; or

17 (B) the national emergency described in
18 Executive Order 14059 (86 Fed. Reg. 71549;
19 relating to imposing sanctions on foreign per-
20 sons involved in the global illicit drug trade)
21 has ended.

22 (2) NATIONAL SECURITY WAIVER.—The Presi-
23 dent may waive the application of sanctions under
24 this subtitle with respect to a foreign person if the
25 President determines that the waiver is in the na-
26 tional security interest of the United States.

1 (c) EXCEPTIONS.—

2 (1) EXCEPTION FOR INTELLIGENCE ACTIVI-
3 TIES.—This subtitle shall not apply with respect to
4 activities subject to the reporting requirements
5 under title V of the National Security Act of 1947
6 (50 U.S.C. 3091 et seq.) or any authorized intel-
7 ligence activities of the United States.

8 (2) EXCEPTION FOR COMPLIANCE WITH INTER-
9 NATIONAL OBLIGATIONS AND LAW ENFORCEMENT
10 ACTIVITIES.—Sanctions under this subtitle shall not
11 apply with respect to an alien if admitting or parol-
12 ing the alien into the United States is necessary—

13 (A) to permit the United States to comply
14 with the Agreement regarding the Head-
15 quarters of the United Nations, signed at Lake
16 Success on June 26, 1947, and entered into
17 force November 21, 1947, between the United
18 Nations and the United States, or other appli-
19 cable international obligations of the United
20 States; or

21 (B) to carry out or assist law enforcement
22 activity of the United States.

23 (3) EXCEPTION TO COMPLY WITH USMCA.—
24 Sanctions under this subtitle shall not apply in a
25 case in which such sanctions would conflict with pro-

1 visions of the USMCA (as defined in section 3 of the
2 United States-Mexico-Canada Agreement Implemen-
3 tation Act (19 U.S.C. 4502)).

4 (4) HUMANITARIAN EXEMPTION.—The Presi-
5 dent may not impose sanctions under this subtitle
6 with respect to any person for conducting or facili-
7 tating a transaction for the sale of agricultural com-
8 modities, food, medicine, or medical devices or for
9 the provision of humanitarian assistance.

10 **SEC. 314. REPORT REQUIRED.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, and annually thereafter, the President
13 shall submit to the appropriate congressional committees
14 a report on actions taken by the President with respect
15 to the foreign persons identified under section 311.

16 **Subtitle C—Definitions**

17 **SEC. 321. DEFINITIONS.**

18 In this title—

19 (1) the term “appropriate congressional com-
20 mittees” means—

21 (A) the Committee on Foreign Affairs and
22 the Committee on Financial Services of the
23 House of Representatives; and

1 (B) the Committee on Foreign Relations
2 and the Committee on Banking, Housing, and
3 Urban Affairs of the Senate;

4 (2) the term “foreign person” has the meaning
5 given that term in section 7203 of the Fentanyl
6 Sanctions Act (21 U.S.C. 2302);

7 (3) the term “knowingly” has the meaning
8 given that term in section 7203 of the Fentanyl
9 Sanctions Act (21 U.S.C. 2302);

10 (4) the term “trafficking”, with respect to
11 fentanyl, fentanyl precursors, or other related
12 opioids, has the meaning given the term “opioid
13 trafficking” in section 7203 of the Fentanyl Sanc-
14 tions Act (21 U.S.C. 2302);

15 (5) the term “transnational criminal organiza-
16 tion”—

17 (A) means any organization designated as
18 a significant transnational criminal organization
19 under part 590 of title 31, Code of Federal
20 Regulations; and

21 (B) includes—

22 (i) any of the organizations known
23 as—

24 (I) the Sinaloa Cartel;

1 (II) the Jalisco New Generation
2 Cartel;

3 (III) the Gulf Cartel;

4 (IV) the Los Zetas Cartel;

5 (V) the Juarez Cartel;

6 (VI) the Tijuana Cartel;

7 (VII) the Beltran-Levy Cartel;

8 (VIII) La Familia Michoacana,
9 also known as the Knights Templar
10 Cartel; or

11 (IX) La Nueva Familia
12 Michoacan; or

13 (ii) any successor organization to an
14 organization described in clause (i) or as
15 otherwise determined by the President; and

16 (6) the term “United States person” means—

17 (A) a United States citizen or an alien law-
18 fully admitted for permanent residence to the
19 United States;

20 (B) an entity organized under the laws of
21 the United States or of any jurisdiction within
22 the United States, including a foreign branch of
23 such an entity; or

24 (C) any person in the United States.

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