AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3205

OFFERED BY MR. MCCAUL OF TEXAS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.
   (a) SHORT TITLE.—This Act may be cited as the
   “Project Precursor Act”.
   (b) TABLE OF CONTENTS.—The table of contents for
this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Covered fentanyl substance defined.

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 means 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 in-
   clude covered fentanyl substances on schedule 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 Fentanyl Trafficking by 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.

SEC. 2. COVERED FENTANYL SUBSTANCE DEFINED.

In this Act, the term “covered fentanyl substance” means—

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

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

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

(a) AUTHORIZATION OF PROGRAM.—Notwithstanding section 660 of the Foreign Affairs Assistance Act of 1961 (22 U.S.C. 2420) or any other provision of law, the Secretary of State, acting through the Assistant Secretary of the Bureau of International Narcotics and Law Enforcement Affairs, is authorized to carry out a program to build the capacity of Mexican law enforcement agencies and Mexican security forces cooperating with the United States on counternarcotics trafficking efforts to prevent the transit, trafficking, and distribution of covered fentanyl substances into the United States from Mexico.

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

(1) canine unit support for drug detection;
2 disrupting covered fentanyl substance trafficking in express consignment, as well as in postal, shipping, and transportation operations conducted by the Government and by the private business sector;

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

(4) efforts meant to increase Mexican Federal and state laboratory forensic accreditation to identify covered fentanyl substances and other synthetic drugs;

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

(6) the provision of equipment and training related to identifying and dismantling clandestine laboratories that produce synthetic drugs;

(7) efforts proven to reduce diversion of precursor chemicals from licit to illicit purposes;

(8) precursor chemical information sharing between governments and among various agencies;

(9) maritime interdiction of synthetic drugs;

(10) cargo container control and inspection; and

(11) chemical industry mapping.
(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $64,000,000 for fiscal year 2024 to carry out the program described in subsection (a).

(d) PRIORITY OF MEXICO IN EFFORTS TO COMBAT INTERNATIONAL FENTANYL TRAFFICKING.— The Secretary of State, acting through the Assistant Secretary of the Bureau of International Narcotics and Law Enforcement Affairs, shall prioritize Mexico in all efforts of the Department of State to combat international trafficking of covered fentanyl substances and other synthetic drugs by carrying out programs and activities in Mexico and throughout the greater Latin American region, in consultation with the Government of Mexico and other relevant governments, with respect to the following:

(1) Providing technical assistance and equipment, as appropriate, to strengthen the capacity of Mexican law enforcement agencies and security forces (including the Mexican Navy) with respect to combating the trafficking of covered fentanyl substances and other synthetic drugs and especially in monitoring and interdiction efforts occurring at Mexican coastal port cities.

(2) Carrying out exchange programs for governmental and nongovernmental personnel, such as programs conducted at the International Law Enforce-
ment Academy in El Salvador and at other locations in the United States and Mexico, to provide educational and professional development on disrupting covered fentanyl substance supply chains, interdicting covered fentanyl substances and other synthetic drugs at sea ports and on land and permanently dismantling transnational drug trafficking organization operations.

(e) Report on Bilateral Cooperation in Dismantling the Fentanyl Supply Chain.—Not later than 1 year after the date of the enactment of this Act, the Assistant Secretary of the Bureau of International Narcotics and Law Enforcement Affairs shall submit to the relevant congressional committees an unclassified report, that may include a classified annex, detailing—

(1) efforts taken by the various government partners in Mexico to disrupt the flow of covered fentanyl substances;

(2) the most noteworthy examples of successes achieved by Mexican government partners in dismantling the supply chain of covered fentanyl substances; and

(3) the extent to which any part of the Government of Mexico has refused to work with the United States, or otherwise obstructed, paused, or unnecess-
sarily delayed bilateral security cooperation with re-
spect to disrupting the flow of covered fentanyl sub-
stances.

(f) **United States Death Toll as Chief Moni-
toring and Evaluation Metric.**—

(1) Metrics to Evaluate Efforts.—The Of-

fice of Knowledge Management of the Bureau of

International Narcotics and Law Enforcement Af-
fairs shall use authoritative monthly and yearly sta-
tistics compiled by other Federal departments or

agencies indicating the number of United States citi-
zens who overdose or die from the consumption or

ingestion of covered fentanyl substances and other il-

licit narcotics—

(A) as the primary (but not exclusive)

monitoring and evaluation metric of the efforts

led by such bureau in Mexico; and

(B) to gauge the manner and extent to

which bilateral efforts to disrupt synthetic drug

production and precursor chemical transit

throughout Mexico are achieving measurable de-

sired impacts, with rising number of United

States deaths correlating with a failure to

achieve such impacts.
(2) IMPROPER USE OF DATA.—The Bureau of International Narcotics and Law Enforcement Affairs, in its monitoring and evaluation practices, may not use data related to drug seizures or clandestine laboratory raids in Mexico or at the border between the United States and Mexico as a substitute for the data described in paragraph (1).

(3) REPORT ON PROGRESS.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for the earlier of 5 years or the termination of the applicable Mexico program, the Secretary of State, acting through the Assistant Secretary of the Bureau of International Narcotics and Law Enforcement Affairs, shall submit a report to the relevant congressional committees indicating whether, based on the statistics described in paragraph (1), its Mexico programs (including projects and activities under the program authorized by subsection (a)) are achieving immediate desired outcomes, including a ranking of all such programs from most effective to least effective.
SEC. 102. PUBLIC DIPLOMACY AS A MEANS TO DELEGITIMIZE CARTELS AND DISRUPT CRIMINAL RECRUITMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Assistant Secretary of the Bureau of Global Public Affairs and in consultation with the United States Ambassador to Mexico and other diplomatic and consular posts in Mexico, as well as with the United States entertainment and media industries and private and government partners in Mexico, shall formulate and implement a 3-year public relations campaign to delegitimize in the Mexican social consciousness, Mexican transnational criminal organizations involved in illicit covered fentanyl substance trafficking, as well as to permanently disrupt the ability of such organizations to recruit new members.

(b) CONSULTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall consult with the relevant congressional committees on the implementation of this provision.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to the relevant congressional committees a report detailing the implementation of subsection (a).
SEC. 103. CHINESE OPERATIONS IN MEXICO.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Assistant Secretary of the Bureau of Intelligence and Research, shall submit to the relevant congressional committees a classified report describing the operations and geographic footprint of all Chinese state- and non-state actors inside Mexico that are involved in the illegal importation, production, transport, money laundering, or trafficking of covered fentanyl substances into or through Mexico.

SEC. 104. RELEVANT CONGRESSIONAL COMMITTEES DEFINED.

In this title, the term “relevant congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE II—CHEMICAL WEAPONS CONVENTION

SEC. 201. ACTIONS TO SEEK TO AMEND THE CHEMICAL WEAPONS CONVENTION TO INCLUDE COVERED FENTANYL SUBSTANCES ON SCHEDULE 2 OR 3 OF THE ANNEX ON CHEMICALS TO THE CHEMICAL WEAPONS CONVENTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any use of a covered fentanyl substance for a
1 peaceful purpose related to an industrial, agricultural, re-
2 search, medical, or pharmaceutical activity or other activ-
3 ity should be considered to be purpose not prohibited by
4 the Chemical Weapons Convention.

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

(e) REPORT.—Not later than 180 days after the date
15 of the enactment of this Act, the Secretary of State shall
16 submit to Congress a report on the implementation of this
17 section.

(d) DEFINITION.—In this section, the term “Chem-
19 ical Weapons Convention” means the Convention on the
20 Prohibition of the Development, Production, Stockpiling
21 and use of Chemical Weapons and on their Destruction,
22 done at Paris, January 13, 1993 (commonly known as the
23 “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.

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

"SEC. 7218. DETERMINATION AND REPORT ON ADDITIONAL FOREIGN OPIOID TRAFFICKERS.

“(a) Determination.—

“(1) In General.—The President shall make a determination as to whether any of the foreign persons described in paragraph (2)—

“(A) is a foreign opioid trafficker; or

“(B) is engaging in any of the conduct described in Executive Order 14059 (86 Fed. Reg. 71549; relating to imposing sanctions on foreign persons involved in the global illicit drug trade) or has engaged in any such conduct in the prior 365 days."
“(2) FOREIGN PERSONS DESCRIBED.—The foreign persons described in this paragraph are the following:

“(A) Any foreign bank (as such term is defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101(b)) that has its principal place of business, or is determined by the Secretary of State to conduct significant business operations, in—

“(i) the People’s Republic of China; or
“(ii) Mexico.

“(B) Any money transmitting business that processed more than $25,000,000 in transactions in—

“(i) any of the 5 calendar years preceding the date of enactment of the Project Precursor Act;
“(ii) the calendar year in which the Project Precursor Act is enacted; or
“(iii) any calendar year after the calendar year described in clause (ii).

“(C) Any transnational criminal organization.

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

“(1) a list of all foreign persons that the President has determined to be foreign opioid traffickers pursuant to subsection (a); and

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

“(A) whether the President has imposed any or all of the relevant sanctions described in section 7213 or Executive Order 14059 with respect to the foreign person; and

“(B) with respect to which any of the sanctions described in section 7213 or Executive Order 14059 have been waived or determined not to apply due to an exception or an exercise of discretion, a description of the specific legal grounds for the waiver, exception, or exercise of discretion.

“(c) Form.—

“(1) In general.—The report required by subsection (b) shall be submitted in unclassified form, but may contain a classified annex if necessary.

“(2) Public availability.—The unclassified portion of the report shall be made available on a
publicly-available internet website of the Federal Government.

“(d) DEFINITIONS.—In this section—

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

“(2) the term ‘transnational criminal organization’ has the meaning given that term in section 431 of the Project Precursor Act.”.

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

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

SEC. 302. TERMINATION.

Section 7233 of the Fentanyl Sanctions Act (21 U.S.C. 2301 et seq.) is amended by striking “7 years after the date of the enactment of this Act” and inserting “7 years after the date of the enactment of the Project Precursor Act”.
Subtitle B—Sanctions With Respect to Fentanyl Trafficking by Transnational Criminal Organizations

SEC. 311. IMPOSITION OF SANCTIONS.

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

(1) the trafficking of covered fentanyl substances or other related opioids by a transnational criminal organization; or

(2) the activities of a transnational criminal organization relating to the trafficking of covered fentanyl substances or other related opioids.

SEC. 312. SANCTIONS DESCRIBED.

(a) Blocking of Property.—The President shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block and prohibit all transactions in property and interests in property of a foreign person described in section 311 if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) Ineligibility for Visas, Admission, or Parole.—
(1) **Visas, Admission, or Parole.**—An alien described in section 311 shall be—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

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

(2) **Current Visas Revoked.**—

(A) **In General.**—The visa or other entry documentation of any alien described in section 311 is subject to revocation regardless of the issue date of the visa or other entry documentation.

(B) **Immediate Effect.**—A revocation under subparagraph (A) shall in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i))—

(i) take effect immediately; and

(ii) cancel any other valid visa or entry documentation that is in the possession of the alien.
SEC. 313. PENALTIES; WAIVERS; EXCEPTIONS.

(a) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or any regulation, license, or order issued to carry out this subtitle shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 201705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(b) WAIVER AUTHORITY.—

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

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

(B) the national emergency described in Executive Order 14059 (86 Fed. Reg. 71549; relating to imposing sanctions on foreign persons involved in the global illicit drug trade) has ended.

(2) NATIONAL SECURITY WAIVER.—The President may waive the application of sanctions under this subtitle with respect to a foreign person if the President determines that the waiver is in the national security interest of the United States.
(c) Exceptions.—

(1) Exception for Intelligence Activities.—This subtitle shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) Exception for Compliance with International Obligations and Law Enforcement Activities.—Sanctions under this subtitle shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success on June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations of the United States; or

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

(3) Exception to Comply with USMCA.—Sanctions under this subtitle shall not apply in a case in which such sanctions would conflict with pro-
visions of the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502)).

(4) HUMANITARIAN EXEMPTION.—The President may not impose sanctions under this subtitle with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices or for the provision of humanitarian assistance.

SEC. 314. REPORT REQUIRED.

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

Subtitle C—Definitions

SEC. 321. DEFINITIONS.

In this title—

(1) the term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives; and
(B) the Committee on Foreign Relations
and the Committee on Banking, Housing, and
Urban Affairs of the Senate;

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

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

(4) the term “trafficking”, with respect to cov-
ered fentanyl substances or other related opioids,
has the meaning given the term “opioid trafficking”
in section 7203 of the Fentanyl Sanctions Act (21
U.S.C. 2302);

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

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

(B) includes—

(i) any of the organizations known
as—

(I) the Sinaloa Cartel;
(II) the Jalisco New Generation Cartel;

(III) the Gulf Cartel;

(IV) the Los Zetas Cartel;

(V) the Juarez Cartel;

(VI) the Tijuana Cartel;

(VII) the Beltran-Levy Cartel;

(VIII) La Familia Michoacana, also known as the Knights Templar Cartel;

(IX) La Nueva Familia Michoacan; or

(X) Caborca Cartel; or

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

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

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity; or
(C) any person in the United States.