

MARK UP OF VARIOUS MEASURES

MARK UP BEFORE THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

MAY 16, 2023

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CONTENTS

	Page
BILLS AND AMENDMENTS OFFERED EN BLOC	
H.R. 3205, the Project Precursor Act	3
Amendment in the Nature of a Substitute to H.R. 3205 Offered by Mr. McCaul of Texas	36
Amendment to the Amendment in the Nature of a Substitute to H. R. 3205 Offered by Mr. Castro of Texas	60
Amendment to the Amendment in the Nature of a Substitute to H. R. 3205 Offered by Mr. Castro of Texas	65
Amendment to H. R. 3205 Offered by Mr. Perry of Pennsylvania	68
Amendment to H. R. 3205 Offered by Mr. Perry of Pennsylvania	71
Amendment to H. R. 3205 Offered by Mr. Perry of Pennsylvania	75
Amendment to H. R. 3205 Offered by Mr. Perry of Pennsylvania	78
Amendment to H. R. 3205 Offered by Mr. Perry of Pennsylvania	86
H.R. 3203, the Stop Chinese Fentanyl Act of 2023	90
Amendment to H. R. 3203 Offered by Mr. Barr of Kentucky	102
Amendment to H. R. 3203 Offered by Mr. Perry of Pennsylvania	104
H.R. 3202, the Assad Regime Anti-Normalization Act	108
Amendment to H. R. 3202 Offered by Mr. Wilson of South Carolina	133
H.R. 3099, Special Envoy for the Abraham Accords Act	141
H. Res. 81, Calling on the President to Support the Creation of a Special Tribunal for the Punishment for the Crime of Aggression Against Ukraine ..	151
Amendment in the Nature of a Substitute to H. Res. 81 Offered by Mr. Keating of Massachusetts	156
H. Res. 377, Calling for the Immediate Release of Evan Gershkovich, a United States Citizen and Journalist, Who Was Wrongfully Detained by the Government of the Russian Federation in March 2023	168
H. Res. 272, Calling on the Government of the Russian Federation to Immediately Release United States Citizen Paul Whelan	176
H.R. 1176, the Taiwan International Solidarity Act	184

APPENDIX

Mark Up Notice	192
Mark Up Attendance	194
Mark Up Minutes	195

STATEMENT SUBMITTED FOR THE RECORD FROM REPRESENTATIVE CONNOLLY

Statement submitted for the record from Representative Connolly	196
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ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD

MATERIALS	198
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MARKUP SUMMARY

MARKUP SUMMARY	231
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MARKUP OF VARIOUS MEASURES

Tuesday, May 16, 2023

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 11:41 a.m., in room 210, House Visitor Center, Hon. Michael McCaul (chairman of the committee) presiding.

Chairman MCCAUL. A quorum present, the Committee on Foreign Affairs will come to order. The committee is meeting today for consideration of H.R. 3205, the Project Precursor Act; H.R. 3203, the Stop Chinese Fentanyl Act of 2023; H.R. 3202, the Assad Regime Anti-Normalization Act; H.R. 3099, Special Envoy for the Abraham Accords Act; H. Res. 81, Calling on the President to Support the Creation of a Special Tribunal for the Punishment for the Crime of Aggression Against Ukraine; H. Res. 377, Calling for the Immediate Release of Evan Gershkovich, a United States citizen and journalist, who was wrongfully detained by the Government of the Russian Federation in March 2023; H. Res. 272, Calling on the Government of the Russian Federation to Immediately Release United States Citizen Paul Whelan; and H.R. 1176, the Taiwan International Solidarity Act.

Pursuant to the Committee Rule 4, the chair may postpone further proceedings on approving any measures or matters for adopting an amendment. Without objection, the chair is authorized to declare a recess of the committee at any point. Without objection, all members will have 5 days to submit statements or extraneous materials into the record.

Pursuant to House rules, all requested members have the opportunity to submit views for any committee report that may be produced on any of today's measures and without objection so ordered.

Pursuant to notice, I now call up H.R. 3205, the Project Precursor Act. The bill was circulated in advance and the Clerk shall—does the Ranking Member have any opening statement?

Mr. MEEKS. I just wanted to open up by—start this morning by mentioning the unfortunate attack on our colleague, Gerry Connolly's office earlier this weekend and in particular that my thoughts are with the staff that were injured as a result. This culture of using violence to address political differences I think on both sides must end. We cannot continue to tolerate it and I am grateful to hear that the staff who were injured are now home from the hospital. I yield back.

Chairman MCCAUL. Thanks for bringing that up. Violence is not the answer and our thoughts and prayers go out to Mr. Connolly's staff and really, it is very unfortunate. And I appreciate you bringing that up.

I call up now H.R. 3205, the Project Precursor Act. The bill was circulated in advance and the Clerk shall designate the bill.
H.R. 3205.
[The Bill H.R. 3205 follows:]



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 effec-
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 eign 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-

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

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 Sane-
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.

○

The CLERK. H.R. 3205, to Disrupt the International Fentanyl Supply Chain and for other purposes.

Chairman MCCAUL. Without objection, the first reading of the bill is dispensed with. The bill is considered as read and open to amendment at any point. I now recognize myself for an opening statement.

First, as the Ranking Member said, I want to start by recognizing the reprehensible actions committed against our colleague, Mr. Connolly from Virginia. The recent attacks against his office staff are completely out of bounds and I condemn them in the strongest terms. I hope your staff will make a quick recovery and we are praying for them and wishing them the best.

Now to the topic at hand. We are facing a drug epidemic the likes of which we have never seen. Fentanyl is being trafficked over our southern border from Mexico. It is killing thousands of Americans and ravaging communities like the ones in my home State. My children have seen the effects of this carnage first hand. My son has attended multiple funerals and my oldest daughter.

Synthetic opioids, primarily fentanyl, killed more than 100,000 Americans last year alone. That is nearly double the number of deaths in the entire Vietnam War over two decades. We know where this is coming from. Communist China is supplying the illicit precursors that are used to produce fentanyl. The CCP is flooding Mexican ports like Manzanilla, and Lazaro Cardenas with these precursors. Once they are transported into the interior, the cartels use clandestine labs to produce these chemical weapons and then traffic fentanyl across our border. And I use that term weapon for a reason. It is time to classify illicit fentanyls for what they are, chemical weapons, which Communist China purposefully turn a blind eye to and drug cartels use to perpetrate the mass killing of Americans.

My bill today will start that process by ensuring the Secretary of State takes steps to schedule fentanyl and its precursors under the Chemical Weapons Convention. This is about putting pressure on Russia where in 2002 security forces used synthetic opioids and killed almost 200 people during a hostage crisis. It is also about putting pressure on China in the international forum. It is about holding them accountable.

Fentanyl is a national security threat. But it has also caused an epidemic that has taken the lives of so many of the most vulnerable in our society, our children.

I would like to recognize one family that knows this better than the rest of us, Ms. Deena Loudon is in the audience today with her sister, Ms. Paula Butler. Deena and Paula, will you please stand and be recognized? Thank you.

Deena's son Matthew is a graduate of Montgomery County Public Schools, had a bright, promising future ahead of him. Deena has described him as her "pride and joy, a great son, brother, a friend who often puts the needs of others before his own." In 2020, Matthew just turned 21 years old when he took what he thought was Percocet. It was not what he thought it was. It was fentanyl. And he tragically passed away. He simply didn't wake up.

Deena, I know we cannot compensate you for your loss, but I want you to know that there is a strong bipartisan effort in this

Congress to end this epidemic and hold those responsible accountable. We will continue to do everything we can to end the flow of illicit narcotics into this country.

I would also like to recognize members of SOUL, Surviving Our Ultimate Loss, a support group for mothers who have lost a child to drug overdose. Roxanne Wood, who is also with us here today is one of the founding members of SOUL. Her son, Donnie, was a graduate of Salisbury University and died of an opioid overdose in 2015 at the age of 32. We are so sorry for your loss.

And finally, Mary Bell is a mother of Amelia Jane Bell-Andrews. Amelia was a 28-year-old who earned a scholarship to Georgetown University and wanted to become a neuroscientist. She died of fentanyl poisoning in 2021.

Roxanne and Mary, thank you for standing to be to be recognized. And thank you for sharing your stories and having the courage to come here today for this important markup. You are the reason we are here today and I assure you that none of my colleagues take your loss or this problem lightly.

My legislation has been endorsed by the Victims of Illicit Drugs, also known as VOID. I would like to offer a statement of support from them into the record and without objection, so ordered.

I would also like to submit a separate letter from 18 State attorneys general, both Republican and Democrat, who asked President Biden to designate fentanyl as a weapon of mass destruction. I would like to enter this into the record as well without objection, so ordered.

They said that waiting to do this would “be the same type of reasoning that kept the Government from investigating foreign nationals learning to fly, but not land planes in the lead up to September 11th.” The bill takes several actions. First, as mentioned, it directs the Secretary of State to seek to amend the Chemical Weapons Convention to include fentanyl substances. By adding these chemical to the treaty, we are not calling for all precursors to be banned outright, but rather ensuring that they receive a heightened level of scrutiny because they can be incredibly dangerous.

This bill also assists the Mexican Government in disrupting the fentanyl supply chain by authorizing certain law enforcement programs and requiring strict accounting on the effectiveness of them.

Last, the legislation also provides for the ability to sanction banks, individuals, and transnational criminal organizations complicit in the trafficking of this chemical weapon. This is a generational crisis that requires bold action in thinking outside the box. So that is what we are doing.

This is not Deena Loudon’s fight or SOUL’s fight alone. It is all of ours to fight. And with that, I want to thank you, the family members for being here today and with that, I yield back. And the Ranking Member is now recognized.

Mr. MEEKS. Thank you, Mr. Chairman. Nearly every day, we are faced with heartbreaking news about the opioid crisis and its devastating impact on American families and I, too, want to acknowledge Ms. Deena Loudon, who lost her son Matthew, and the others that are here, all of the friends and families. I want to convey my deepest sympathy for all of the lives that have been taken prematurely as a result of fentanyl.

And I am aware of an urgency related to fentanyl overdoses and as the ranking member of this committee, I believe we have to work together because a responsibility not only to protect our national security, but to bring greater national awareness in order to address the public health crisis, the stigmatization of addiction, and provide treatment so that we can save more lives.

With that in mind, Chairman McCaul and I had our teams negotiating late into the evening last night in this bipartisan effort and while I still believe further changes to the bill are important, I do want to thank Mr. McCaul, Chairman McCaul, for engaging in that conversation and willingness to negotiate in good faith.

I think many of the changes secured to this bill will indeed strengthen this legislation. And there is no question there are many strong parts of this bill. The sanctions sessions closely mirror the agreement reached by our Senate colleagues, Tim Scott and Sherrod Brown, and is currently co-sponsored by 15 Democrats and 15 Republicans from all wings of both parties. I look forward to working with Mr. McCaul and my Republican colleagues to introduce a similar bipartisan bill on this side of the Capitol.

I also appreciate that we are authorizing a program at the State Department in this legislation that will bolster our cooperation with Mexican authorities to interdict fentanyl and prevent it from reaching our borders. Overall, this measure shows that we can come together in a bipartisan manner to begin the process of addressing the challenges which would have the desired impact of reducing the number of fentanyl deaths and interrupting transnational organizations involved in trafficking illegal substances including fentanyl to the United States.

So because of this work and working together, I clearly and wholeheartedly support this bill, as amended, and think that we need to continue to bring the attention to all people of the United States of America so that they know that the U.S. Congress feels their pain, recognizes our responsibility, and will do all that we can to bring this pain to a halt. And with that, I yield back the balance of my time.

Chairman McCaul. I want to thank the Ranking Member and the staff for working late in the evening to get to a bipartisan resolution of this bill. I agree with you, Mr. Meeks, it made it a stronger bill at the end of the process. And that is what the American people, I think, want and deserve from Congress is for us to work across the aisle to get good things done for the American people on such an important issue as this. This should not be a partisan fight. It should be a unified fight with one voice in this Congress and that is what we have achieved and I appreciate your willingness to work with me.

Is there any further discussion on the bill? Ms. Manning is recognized.

Ms. MANNING. This is only temporarily. Thank you, Chairman McCaul, Ranking Member Meeks. I am glad that we, as a committee, are working to address the horrific epidemic of fentanyl facing our country which has claimed more than 100,000 lives in just 1 year. And my heart goes out to all the families including the guests in our chamber today who have lost family members to fentanyl.

In my home State of North Carolina, we experienced a 22 percent increase in overdose deaths in just 1 year, the highest number of overdose deaths on record and more than 77 percent of those overdose deaths likely involved fentanyl. There are many steps we can and should be taking as a committee to crack down on fentanyl coming from abroad and there are several good policies mentioned in an article that came out yesterday in Foreign Affairs entitled Why America is Struggling to Stop the Fentanyl Epidemic and Mr. Chairman, I would like to request unanimous consent to insert this article into the record.

Chairman MCCAUL. Without objection, so ordered.

Ms. MANNING. I support several of the provisions in this bill to strengthen our response to the flow of fentanyl and to act against foreign countries and transnational criminal organizations who should be held responsible.

One provision which I believe demands a closer look is Section 201 which would require the executive branch to declare fentanyl as a chemical weapon under the Chemical Weapons Convention. There is no question that fentanyl is an extremely harmful and deadly killer and we must do more to prevent its illegal manufacture and spread into the United States. However, one of the challenges we face is that fentanyl is produced from chemicals with legitimate pharmaceutical uses, so we should certainly look to do everything we can to target the illicit drug use of fentanyl, while recognizing this reality.

Second, while fentanyl can and may be weaponized, preventing the proliferation of synthetic opioids on our streets is a separate threat and policy challenge requiring different tools than those required to limit the use of chemical weapons of mass destruction from an arms controls standpoint which is the purpose of the Chemical Weapons Convention.

Mr. Chairman, I think it would be worthwhile for us to first better understand the need for a chemical weapons designation of fentanyl in a classified setting; second, to examine how dealing with fentanyl from this approach might affect, overlap with, or undermine our existing counter narcotics and counter WMD efforts. For one, it should be noted that the CWC already prohibits the use of any toxic chemicals including fentanyl if they are used as weapons, whether the specific chemical agents are listed in the CWC schedule or not. For instance, even though chlorine is an unscheduled chemical not listed in the CWC annex on chemicals, the OPCW has nonetheless successfully investigated and confirmed chlorine strikes in Syria. In other words, fentanyl can still be considered a chemical weapon whether we explicitly designate it in this bill or not. However, carefully examining what we add to that schedule will help ensure that the vital resources for organizations like the OPCW are not unnecessarily diverted from critical existing efforts to inspect, monitor, and destroy chemical weapons like the use of sarin gas.

Overall, I believe the United States has a major role to play in working with other countries in multilateral forums and international organizations, backed up by the threat of sanctions. And I would be glad to work with the chairman and members of the committee on both sides of the aisle to advance these policies and

ideas under our jurisdiction to prevent this horrific crisis devastating our communities and our country. And with that, I would like to yield to the chairman or any of my colleagues if any of them want the time and I yield back the balance of my time.

Chairman MCCAUL. The gentlelady yields back. Any further discussion? Mrs. Wagner is recognized.

Mrs. WAGNER. Thank you, Mr. Chairman. And I first do want to recognize the families that are here with us today. We are heartbroken for your loss, heartbroken by your loss, as a mother, as a grandmother.

I want to thank the chair for offering this critically important bill to attack the opioid epidemic that is devastating American communities. Fentanyl is a chemical weapon and it is fueling a national tragedy of unthinkable proportions: the No. 1 killer of young people, 19 to 45; over 300 deaths every single day because of this chemical weapon.

The chairman's bill takes long overdue action to ensure that fentanyl, its precursors, and analog substances are covered under the Chemical Weapons Convention. This designation will deter adversaries from unleashing this deeply dangerous chemical to advance their destabilizing agenda. And the legislation further empowers the United States to punish through sanctions and transnational criminal organizations that are involved in fentanyl trafficking. It goes after them through those sanctions, as well as the banks, and the payment apps that are knowingly profiting from this national tragedy and crisis.

I wholeheartedly support this legislation and I urge each of my colleagues to advance it. And I again thank the chair for his work on the Protect Precursor Act and I yield back, Mr. Chairman.

Chairman MCCAUL. The gentlelady yields back. Any further discussion? Mr. Keating is recognized.

Mr. KEATING. Thank you, Mr. Chairman. I just want to take a moment to thank the families for being here and the importance of that. This committee has a portfolio that deals with global issues, wars, all kinds of international crises, yet, this is a priority of ours and in large measure because of the work of family members. As a district attorney, someone that would serve a dozen years as a district attorney, I started one of the first task forces on opioid drugs over 20 years in Massachusetts, dealt with families in the process, started an organization in Massachusetts called Learn2Cope.org where family members work together to give each other support and understanding and share their experiences.

I have also witnessed the work of family members so vital to moving legislation and progress forward. And it was done with great courage and it was done with a sense of selflessness. There is nothing that could be done to take back the loss, the profound loss that you suffered. Indeed, in my own family I have lost a family member to opioid drugs as well. But I know this in dealing with families and I know this with your presence here, your primary objective is to make sure that what you and your family have experienced in your life never happens to another family again. And I know that from dealing with so many families that have suffered such excruciating losses. And I duly appreciate not only being here today, but what you have done every day to help advance this

cause. We couldn't be here dealing with these issues without the support, the selfless and courageous support of families.

So Mr. Chairman, with that I yield back.

Chairman MCCAUL. The gentleman yields back. Any further discussion? Mr. Baird is recognized. Mr. Self is recognized.

Mr. SELF. Thank you, Mr. Chairman, for this bill. I simply want to point out this bill is more sanguine than I am about the cooperation of the Mexican Government. We have recent experience of major equipment falling into the hands of our adversaries and I think that that is entirely possible here. I appreciate the fact that in 1 year they are supposed to give us a report and I quote here the extent to which any part of the Government of Mexico has refused to work with the United States or otherwise obstructed, paused, or unnecessarily delayed bilateral security cooperation with respect to disrupting the flow of covert fentanyl substances. My concern is that we will be giving them equipment that could be turned on us, that could be used against us. It is simply a concern and I look forward to following that report in 1 year. Thank you. I yield back.

Chairman MCCAUL. The gentleman yields back. Yes, and I look forward to following up with you as well. I am going down to Mexico at the end of this month to look at our international law enforcement operation, particularly this port where they come into. If we can have the right technology, K9s to stop the precursors at the port, we can stop them at its root cause. But I look forward to further discussions with the gentleman.

Any further discussion? Ms. Madeleine Dean is recognized.

Ms. DEAN. Thank you, Mr. Chairman, and thank you for this legislation and the work that you have done across the aisle to make sure we lift up this extraordinarily important issue.

To the mothers and the sisters and the family members, may God bless your loved ones, may God bless your families. And we thank you for being here. It cannot be easy, but you help us in our work to lift up this extraordinary public health crisis, international crisis, frankly.

We all know that fentanyl is wreaking havoc in our communities and sadly you know it as close as anyone. We are losing more than 108,000 people a year. That is 300 people every day, today, yesterday, tomorrow, 365 days a year. I call it a jetliner a day. Souls crashing to the earth wreaking havoc on families, on communities where they work, where they pray, leaving children behind, leaving mothers and fathers behind.

The CDC estimates that about 70 percent of those deaths are fentanyl related. As some of you know, I have a deeply personal care for this issue. My son Harry is an opioid addict. He is now 10 years in long-term recovery. We are so thankful for that, but we know too many children, his friends, our friends who have been lost. He is now working in that field of recovery, trying to help others.

I wear this band on my arm representing Jake Smart, a young man, 24, lost a year ago to fentanyl poisoning. And I want to be clear. You do not have to be an addict to be taken by fentanyl. I bring no shame to addicts. I know that is an absurdity that some-

how our society has imposed upon those who struggle with the disease of addiction, but you do not have to be an addict.

We have to educate the public, our children, anyone who might be experimenting with drugs. You might go online think you have bought a Percocet and you do not wake up. We have to do everything in our power. We do know that China is the primary source of illicit fentanyl, the precursors coming by way of Mexico. Mexican cartels obviously are extraordinarily responsible for this poisoning of our children and not just children.

Sadly, last year at the border, legal ports of entry, we seized enough fentanyl in a single year to kill the entire population of the United States, seized at ports of entry, mostly being brought in by American citizens. We also know and I was at a summit with DEA, the Rx Summit in Georgia a couple of weeks back, DEA says there is enough fentanyl sadly in country right now to kill the entire population of the United States multiple times over. The problem is here. It continues to come here, but it is here and now sadly, it is going globally. The prices are coming down here because the market is so saturated and we are losing 300 people a day. So we have an obligation to fix this.

I am proud to serve as a co-chair of the Bipartisan Fentanyl Prevention Caucus. There is so much more we have to do. We have to come at this from absolutely every angle based on the facts, the science, taking away stigma and misinformation. So I am pleased that there is agreement on the amendment in the nature of a substitute. We have to think outside the box to save our children. We have to educate our children as to the dangers that are out there.

And so I ask for unanimous consent to enter into the record the Truth About Fentanyl Trafficking, one article, and then a fact sheet Biden-Harris Administration announces strengthened approach to crack down on illicit fentanyl.

Chairman McCAUL. Without objection, so ordered.

Ms. DEAN. And I will close with this. I think often of the poem hundreds of years ago by John Dunne, "Do not ask for whom the bells tolls. It tolls for thee." So do not think this is somebody else's problem. And I have a feeling this is a room full of people who know somebody who has been touched by this and we have people directly impacted by this. The bell tolls for us. We must do everything in our power and I yield back.

Chairman McCAUL. The gentlelady yields back. Any further discussion? Mr. Moskowitz is recognized.

Mr. MOSKOWITZ. Thank you, Mr. Chairman. And I want to thank you for your efforts, and I want to thank the ranking member for working with you.

We know that this is an issue, something that we have seen a 30fold increase in over the last couple of years. And I want to talk to the parents. Because my predecessor who held this seat, Ted Deutch, you know, his nephew died from fentanyl. Being from the city of Parkland, going to Marjory Stoneman Douglas High School, seeing what happens when kids go to school and do not come home, I have seen what happens. I've seen families. I've seen the parents. I've seen parents bury their kids. There is nothing—nothing—that can compare to watching a parent get that phone call and bury their kid.

And so, Mr. Chairman, I'm happy that we're depoliticizing this issue, because that's the only way that we're going to make progress. And I'm hoping 1 day, just like we've recognized the data with fentanyl and we're taking action, I'm hoping 1 day we can also recognize the data of gun violence among school-age children, and that we, too, can depoliticize that issue for all those parents that have also buried their kids.

Thank you, Mr. Chairman. I yield back.

Chairman McCAUL. The gentleman yields back.

Any further discussion?

Mr. Mills is recognized.

Mr. MILLS. Thank you, Mr. Chairman.

I want to thank you both for proposing this exceptionally important piece of legislation. You know, a lot of people, when they look at Members of Congress, they assume that we have a certain type of background, not realizing that we all come from different walks of life.

I grew up in—I'm a multi-generational central Floridian, where drugs have continued to plague us through what we call the "I-4 Corridor." And it's been a very big issue for us.

You see, I know a little about this, and that's why my true heartfelt condolences to those who have lost someone. My father has suffered with addiction his entire life. He spent over 30 years in prison. My mother still suffers with addiction and has spent over 7 years in prison. And I came from a home whereby I bounced house to house until I was about 9 years old, and my grandparents finally adopted me. And I understood what it was to be a part of a nuclear family, but I watched as other members of my family continued to deal with issues with opioid addiction.

And it would start out really as something simple. Like my cousin, who was a roofer, who had injured his back, went to the doctor; got a prescription. Became addicted to that prescription. Could no longer get additional scripts. So, he started buying it freely on the market.

And on numerous occasions, he had bought something that wasn't what he thought it was. And luckily, when he was overdosing, someone was there to actually call 911 and get the necessary care. That does not happen for everyone.

I think that this is one of the key issues in America today, is the illicit trafficking of not only fentanyl, but the propping up of the Mexican cartels and the actual intention of the Chinese to try and poison and to try to go ahead and degradate America.

I, once again, thank you, Chairman McCaul, for putting this forward, and also, to the ranking member and to my colleagues. Because you're right, this is not a Republican or a Democrat issue. This is an American issue. This impacts us all in one way or another.

I thank you so much for putting this bill onto the floor. I hope that those who do suffer from the addiction get the necessary care that they need, like my mother needs.

And with that, I yield back.

Chairman McCAUL. The gentleman yields back.

Any further discussion?

Mr. Lawler is recognized.

Mr. LAWLER. Thank you, Mr. Chairman. And thank you to you and the ranking member for working together to advance this legislation.

And I want to thank my colleagues, Mr. Mills and Ms. Dean, for sharing their stories and thoughts. As Mr. Mills said, this is an American issue. This is not a Republican issue or a Democrat issue. All of us, either personally or through our communities, know people who have been impacted by this opioid and fentanyl epidemic.

I held a roundtable discussion just about a month ago in my district with parents, providers, law enforcement, talking about this very issue, and why it is so important that we take on the cartels; that we take on the Mexican and Chinese governments who are allowing for this; and worse than that, frankly, intentionally pushing it.

Fentanyl is poison. It is poison. And it is intended to do harm. And I believe very strongly that anyone who is trafficking in fentanyl, lacing products with fentanyl, should be treated for what they are. They're murderers, period, full stop.

And for these families that are here today, all of our collective hearts break for you. No parent should ever have to go through this. But this is a crisis that is impacting every community, every family. No one is exempt from this. This isn't about being rich or poor, black or white. Every single community has been impacted by fentanyl pouring across our border and into our communities.

Over 100,000 Americans are dying every year from opioid and fentanyl overdoses. It is a crisis that requires action. We've been talking about this for a very long time. And in the time that we talk about it, 300 Americans a day are dying.

It is unacceptable and it requires a level of enforcement against those who are responsible. It requires us listing fentanyl as a chemical weapon, because that is exactly what it is. It is designed to do harm.

Substance use disorders are real. People struggle with them every day. My father was sober for 20 years when he died from alcohol. And when he died of cancer, even to his last breath, he remained sober, and I'm extremely proud of that. It would have been very easy at the end to just say, "Hey," but his sobriety mattered to him. And that sobriety had a huge impact on my life.

And I think all of us, like I said, in one way or another, have been impacted. And nobody knows the details of somebody else's experience, but the reality is all of us have been impacted in one way or the other.

And to these families, these mothers, thank you for your courage to be here today, to lift up the memory of your children, and to make sure that we do everything we can, as legislators, to ensure that no other family has to endure this. So, thank you for being here with us today.

I yield back.

Chairman MCCAUL. The gentleman yields back.

Mr. JACKSON is recognized.

Mr. JACKSON OF ILLINOIS. Thank you very much, Chairman.

To the family, I would like to say, extend my condolences and, also, my appreciate for you for coming out today.

This feels more cathartic, where we can have a confessional. I have had to bury two people this year that were family related friends, young children in their twenties that died from—this is a catharsis; I correct myself—and it is sickening. And every time I think about the death, think about these young children—most recently, in Lake Meadows and Prairie Shores in the south part of the city of Chicago, three children went out to have drugs. Three fell asleep; two woke up, and one child had died. And it's affecting the rich, the poor.

And to the industry, they should be served a notice for the long-term addiction that's keeping these children and families under this sort of financial burden for a decade or two, having to pay.

And I would ask my colleagues to congratulate you for your enormous strength, for paying your way here; to getting in the car services to get here, to hold your head up. The amount of strength that it requires from you to not let your loved ones' memories die is the real essence of my compliment to you. You keep them alive, so they are truly loved. And so long as we remember them and call their names, they never die; they'll never leave us. It's a pain that no parent ever wants to imagine and dream of.

And I would like, also, just to be on the record to say this is a manmade, manufactured substance. This and guns, I put side by side. And the leading cause of death for children is a manmade substance. And the leading cause of death for children is a manmade instrument. For children and our Nation, that's a sickness that I hope we move with all speed and alacrity to absolve this. Life should not be a burden.

I'm praying for you. God bless.

I yield my time.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

Mr. Wilson is recognized.

Mr. WILSON. Thank you, Mr. Chairman. And thank you very much, Mr. Chairman, for your bill and your explanation that you will be going to port in Mexico where there's been such importation, and tragically, the Chinese Communist Party being so involved, and how this impacts on every State and so many different families. And I'm really grateful that it's bipartisan, us working together.

With Congressman Jackson, I appreciate that he has a South Carolina heritage. And I made a speech yesterday pointing out that, in my home State of South Carolina, in the last 2 years, 1500 persons have died because of fentanyl. Additionally, it's been a 35 percent increase in the last 2 years.

So, this needs to be addressed and I'm grateful of the 18 attorneys general who are working to declare this weapons of mass destruction; that the Attorney General of South Carolina, Alan Wilson, my oldest son, is on the letter. So, this is an issue that needs to be raised.

And the family members who are here, we just appreciate your courage. God bless you.

Thank you.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

There being no further discussion of the bill, the committee will to move to consideration of amendments.

I have an amendment at the desk in the nature of a substitute, No. 49, to H.R. 3205.

The clerk shall distribute the amendment.

The clerk shall report the amendment.

The CLERK. "Amendment in the nature of a substitute to H.R. 3205 offered by Mr. McCaul of Texas."

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

[The Amendment No. 49 offered by Mr. McCaul follows:]

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**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.

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

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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.

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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.

1 **SEC. 2. COVERED FENTANYL SUBSTANCE DEFINED.**

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

4 (1) fentanyl, including its isomers, esters,
5 ethers, salts, and salts of isomers, esters, and ethers,
6 whenever the existence of such isomers, esters,
7 ethers, and salts is possible within the specific chem-
8 ical designation (as such terms are used in the Con-
9 trolled Substances Act (21 U.S.C. 801 et seq.));

10 (2) any controlled substance analogue of
11 fentanyl (as the term “controlled substance ana-
12 logue” is defined in section 102(32) of the Con-
13 trolled Substances Act (21 U.S.C. 802(32)); and

14 (3) any immediate precursor (as defined in sec-
15 tion 102(23) of the Controlled Substances Act (21
16 U.S.C. 802(23)) of fentanyl.

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) or any other provision of law,
14 the Secretary of State, acting through the Assistant Sec-
15 retary of the Bureau of International Narcotics and Law
16 Enforcement Affairs, is authorized to carry out a program
17 to build the capacity of Mexican law enforcement agencies
18 and Mexican security forces cooperating with the United
19 States on counternarcotics trafficking efforts to prevent
20 the transit, trafficking, and distribution of covered
21 fentanyl substances into the United States from Mexico.

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

25 (1) canine unit support for drug detection;

1 (2) disrupting covered fentanyl substance traf-
2 ficking in express consignment, as well as in postal,
3 shipping, and transportation operations conducted
4 by the Government and by the private business sec-
5 tor;

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

8 (4) efforts meant to increase Mexican Federal
9 and state laboratory forensic accreditation to iden-
10 tify covered fentanyl substances and other synthetic
11 drugs;

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

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

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

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

21 (9) maritime interdiction of synthetic drugs;

22 (10) cargo container control and inspection; and

23 (11) chemical industry mapping.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$64,000,000 for fiscal year
3 2024 to carry out the program described in subsection (a).

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

15 (1) Providing technical assistance and equip-
16 ment, as appropriate, to strengthen the capacity of
17 Mexican law enforcement agencies and security
18 forces (including the Mexican Navy) with respect to
19 combating the trafficking of covered fentanyl sub-
20 stances and other synthetic drugs and especially in
21 monitoring and interdiction efforts occurring at
22 Mexican coastal port cities.

23 (2) Carrying out exchange programs for govern-
24 mental and nongovernmental personnel, such as pro-
25 grams conducted at the International Law Enforce-

1 ment Academy in El Salvador and at other locations
2 in the United States and Mexico, to provide edu-
3 cational and professional development on disrupting
4 covered fentanyl substance supply chains, inter-
5 dicting covered fentanyl substances and other syn-
6 thetic drugs at sea ports and on land and perma-
7 nently dismantling transnational drug trafficking or-
8 ganization operations.

9 (e) REPORT ON BILATERAL COOPERATION IN DIS-
10 MANTLING THE FENTANYL SUPPLY CHAIN.—Not later
11 than 1 year after the date of the enactment of this Act,
12 the Assistant Secretary of the Bureau of International
13 Narcotics and Law Enforcement Affairs shall submit to
14 the relevant congressional committees an unclassified re-
15 port, that may include a classified annex, detailing—

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

19 (2) the most noteworthy examples of successes
20 achieved by Mexican government partners in dis-
21 mantling the supply chain of covered fentanyl sub-
22 stances; and

23 (3) the extent to which any part of the Govern-
24 ment of Mexico has refused to work with the United
25 States, or otherwise obstructed, paused, or unneces-

1 sarily delayed bilateral security cooperation with re-
2 spect to disrupting the flow of covered fentanyl sub-
3 stances.

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

6 (1) METRICS TO EVALUATE EFFORTS.—The Of-
7 fice of Knowledge Management of the Bureau of
8 International Narcotics and Law Enforcement Af-
9 fairs shall use authoritative monthly and yearly sta-
10 tistics compiled by other Federal departments or
11 agencies indicating the number of United States citi-
12 zens who overdose or die from the consumption or
13 ingestion of covered fentanyl substances and other il-
14 licit narcotics—

15 (A) as the primary (but not exclusive)
16 monitoring and evaluation metric of the efforts
17 led by such bureau in Mexico; and

18 (B) to gauge the manner and extent to
19 which bilateral efforts to disrupt synthetic drug
20 production and precursor chemical transit
21 throughout Mexico are achieving measurable de-
22 sired impacts, with rising number of United
23 States deaths correlating with a failure to
24 achieve such impacts.

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

8 (3) REPORT ON PROGRESS.—Not later than
9 180 days after the date of the enactment of this Act,
10 and annually thereafter for the earlier of 5 years or
11 the termination of the applicable Mexico program,
12 the Secretary of State, acting through the Assistant
13 Secretary of the Bureau of International Narcotics
14 and Law Enforcement Affairs, shall submit a report
15 to the relevant congressional committees indicating
16 whether, based on the statistics described in para-
17 graph (1), its Mexico programs (including projects
18 and activities under the program authorized by sub-
19 section (a)) are achieving immediate desired out-
20 comes, including a ranking of all such programs
21 from most effective to least effective.

1 **SEC. 102. PUBLIC DIPLOMACY AS A MEANS TO**
2 **DELEGITIMIZE CARTELS AND DISRUPT**
3 **CRIMINAL RECRUITMENT.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of State,
6 acting through the Assistant Secretary of the Bureau of
7 Global Public Affairs and in consultation with the United
8 States Ambassador to Mexico and other diplomatic and
9 consular posts in Mexico, as well as with the United States
10 entertainment and media industries and private and gov-
11 ernment partners in Mexico, shall formulate and imple-
12 ment a 3-year public relations campaign to delegitimize
13 in the Mexican social consciousness, Mexican
14 transnational criminal organizations involved in illicit cov-
15 ered fentanyl substance trafficking, as well as to perma-
16 nently disrupt the ability of such organizations to recruit
17 new members.

18 (b) CONSULTATION.—Not later than 90 days after
19 the date of the enactment of this Act, the Secretary of
20 State shall consult with the relevant congressional commit-
21 tees on the implementation of this provision.

22 (c) REPORT.—Not later than 1 year after the date
23 of the enactment of this Act, the Secretary of State shall
24 submit to the relevant congressional committees a report
25 detailing the implementation of subsection (a).

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

2 Not later than 180 days after the date of the enact-
3 ment of this Act, the Secretary of State, acting through
4 the Assistant Secretary of the Bureau of Intelligence and
5 Research, shall submit to the relevant congressional com-
6 mittees a classified report describing the operations and
7 geographic footprint of all Chinese state- and non-state
8 actors inside Mexico that are involved in the illegal impor-
9 tation, production, transport, money laundering, or traf-
10 ficking of covered fentanyl substances into or through
11 Mexico.

12 **SEC. 104. RELEVANT CONGRESSIONAL COMMITTEES DE-**
13 **FINED.**

14 In this title, the term “relevant congressional com-
15 mittees” means the Committee on Foreign Affairs of the
16 House of Representatives and the Committee on Foreign
17 Relations of the Senate.

18 **TITLE II—CHEMICAL WEAPONS**
19 **CONVENTION**

20 **SEC. 201. ACTIONS TO SEEK TO AMEND THE CHEMICAL**
21 **WEAPONS CONVENTION TO INCLUDE COV-**
22 **ERED FENTANYL SUBSTANCES ON SCHEDULE**
23 **2 OR 3 OF THE ANNEX ON CHEMICALS TO THE**
24 **CHEMICAL WEAPONS CONVENTION.**

25 (a) SENSE OF CONGRESS.—It is the sense of Con-
26 gress 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.

5 (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.

14 (c) 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.

18 (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”).

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 eign 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 has
7 its principal place of business, or is determined
8 by the Secretary of State to conduct significant
9 business operations, in—

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

11 “(ii) Mexico.

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

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

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

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

22 “(C) Any transnational criminal organiza-
23 tion.

24 “(b) REPORT.—Not later than 90 days after the date
25 of the enactment of the Project Precursor Act, and every

1 180 days thereafter, the President shall submit to the ap-
2 propriate congressional committees a report containing—

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

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

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

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

19 “(c) FORM.—

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

24 “(2) PUBLIC AVAILABILITY.—The unclassified
25 portion of the report shall be made available on a

1 publicly-available internet website of the Federal
2 Government.

3 “(d) DEFINITIONS.—In this section—

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

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

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

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

16 **SEC. 302. TERMINATION.**

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

1 **Subtitle B—Sanctions With Respect**
2 **to Fentanyl Trafficking by**
3 **Transnational Criminal Organi-**
4 **zations**

5 **SEC. 311. IMPOSITION OF SANCTIONS.**

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

9 (1) the trafficking of covered fentanyl sub-
10 stances or other related opioids by a transnational
11 criminal organization; or

12 (2) the activities of a transnational criminal or-
13 ganization relating to the trafficking of covered
14 fentanyl substances or other related opioids.

15 **SEC. 312. SANCTIONS DESCRIBED.**

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

24 (b) **INELIGIBILITY FOR VISAS, ADMISSION, OR PA-**
25 **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 cov-
11 ered fentanyl substances or other related opioids,
12 has the meaning given the term “opioid trafficking”
13 in section 7203 of the Fentanyl Sanctions Act (21
14 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;

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- 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;
- 11 (IX) La Nueva Familia
- 12 Michoacan; or
- 13 (X) Caborca Cartel; or
- 14 (ii) any successor organization to an
- 15 organization described in clause (i) or as
- 16 otherwise determined by the President; and
- 17 (6) the term “United States person” means—
- 18 (A) a United States citizen or an alien law-
- 19 fully admitted for permanent residence to the
- 20 United States;
- 21 (B) an entity organized under the laws of
- 22 the United States or of any jurisdiction within
- 23 the United States, including a foreign branch of
- 24 such an entity; or

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(C) any person in the United States.



Chairman McCAUL. I recognize myself to speak on the amendment.

I'm pleased to offer this ANS that incorporates certain feedback from the State Department, Ranking Member Meeks, the Mexican Embassy, relevant experts, and victims' rights groups. And I appreciate all the law enforcement cooperation between Mexico and the United States, and want to make sure that that continues through the Bureau of International Narcotics and Law Enforcement.

I also want to make sure our programs are having a real effect in reducing the American death toll caused by fentanyl. This ANS adds specificity to make that intent crystal clear.

And I appreciate all the useful feedback we received after the bill was introduced.

And with that, I yield back the balance of my time.

Do any other members seek recognition to discuss the amendment in the nature of a substitute?

The ranking member is recognized.

Mr. MEEKS. Thank you, Mr. Chairman.

I support this amendment. It reflects our feedback and it improves the bill. And I appreciate Chairman McCaul for working with me on this amendment. It, again, I think, demonstrates our focus collectively and working together and making sure that the message gets through.

We've heard the testimony of Democrats and Republicans giving their own personal experience. And this shows that, as indicated, that no matter where you are, no matter what your ethnicity, no matter what political persuasion, no matter what part of the country, it affects us all. And working with you with this amendment does exemplify that.

I yield back.

Chairman McCAUL. And I appreciate your willingness to work with us.

Any further discussion?

There being no further discussion, do any members wish to offer any amendments to the amendment in the nature of a substitute?

Mr. Castro is recognized.

Mr. CASTRO. Chairman, I've got an amendment at the desk, Castro No. 44.

Chairman McCAUL. The clerk shall distribute the amendment.

The clerk shall report the amendment.

The CLERK. "Amendment to the amendment in the nature of a substitute to H.R. 3205 offered by Mr. Castro of Texas."

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

[The Amendment No. 44 offered by Mr. Castro follows:]

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**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3205
OFFERED BY MR. CASTRO OF TEXAS**

Page 6, after line 8, insert the following:

1 () Increasing collaboration between United
2 States and Mexican law enforcement and public
3 health agencies to support programs and public
4 awareness campaigns that address youth drug use
5 and share information and best practices on evi-
6 dence-based substance use and overdose prevention
7 campaigns.



Chairman McCAUL. The gentleman from Texas is recognized for 5 minutes on his amendment.

Mr. CASTRO. All right. Thank you, Chairman.

Fentanyl and drugs like OxyContin, over the last dozen years or so before that, have been devastating the American people, including in my home State of Texas and my home town of San Antonio.

And I also want to offer my condolences to the families who are here who have lost loved ones, sons and daughters, cousins and relatives, to these drugs.

At the same time, I believe that this piece of legislation offers false hope to families, rather than pursues real meaningful, effective policy. And as I offer my amendment, I want to describe a little bit of why I believe that.

My amendment would strike the chemical weapons provision in the bill. And let me tell you exactly why. The Chemical Weapons Convention has very specific criteria for what chemical weapons are. Fentanyl, as devastating as it is, does not meet the criteria under the Convention, and this provision would have serious and negative effects on the U.S. healthcare system.

The text of the amendment in the nature of a substitute would direct the Secretary of State to include fentanyl substances on Schedule II and III of the Annex on Chemicals to the Chemical Weapons Convention. Again, I wholeheartedly agree that fentanyl has hurt hundreds of thousands, if not millions, of Americans, and that we need to end the flow of these drugs in the United States.

But, as we know, fentanyl also has legitimate uses in healthcare. I just had cancer surgery recently and was put on fentanyl during that time, including during surgeries and other procedures. Adding fentanyl substances to the Annex on Chemicals is a blunt instrument that would severely harm the United States healthcare system. It also wouldn't be an accurate description of these chemicals.

Schedule II of the Annex requires that the toxic chemical or precursor, quote, "is not produced in large commercial quantities for purposes not prohibited under this Convention." Fentanyl has an extensive commercial use, including in medicine. It would not meet these criteria.

Schedule III of the Annex requires, among other criteria, that the toxic chemical or precursor, quote, "has been produced, stockpiled, or used as a chemical weapon." Fentanyl is dangerous, and the cartels involved in drug trafficking do it for profit, but it's not clear to me that fentanyl is intentionally being used as a chemical weapon in the same way as other chemical weapons, like anthrax, sarin gas, or mustard gas.

I support the goals of this bill, and there's a lot in this bill that I can support. And I believe that the United States and the Mexican government need to cooperate to target the cartels and stop the flow of illicit fentanyl to the United States, but classifying fentanyl as chemical weapons would be counterproductive for that reason.

And for that, because of that, I urge my colleagues to support my amendment.

I also want to say, in addition to that, there are major pieces of policy missing from this bill. You notice, if you read the text of the bill, for example, it says nothing about the United States and Americans in all of this. For example, there's no public health cam-

paigned at all that's included in this policy—not one single dollar spent to educate Americans about the dangers of fentanyl; how to get treatment for it; how to stay away from it; how to watch out for it—nothing.

Eighty-six percent of fentanyl—or 86 percent of the people who traffic in fentanyl—are Americans. Where is the responsibility for Americans who are also participating with the Mexican cartels in getting these drugs on the street to fellow Americans? They must also be held responsible. That's not included in this legislation.

So, I do not want to vote yes on a piece of legislation that is both going to put something in a category of weapons of war—because there's been a lot of language lately from Republican colleagues, literally, about invading Mexico because of the cartels. So, I'm not going to put language—I'm not going to put this drug into the Chemical Conventions to give credence to that argument, to lend credence to that argument in the coming years, but, also, I'm not going to vote yes on a piece of legislation that offers false hope, when we're not even dealing with the American side of all of this. That's an incomplete piece of public policy that just offers false hope to people, and I cannot support it.

I yield back, Chairman.

Chairman MCCAUL. The gentleman yields back.

I oppose this amendment. Primarily, the State Department has cited its potential use as an offensive chemical weapon, and I agree with the State Department; it has been used in mass casualty events previously. As the victims of illicit drugs stated, cartels may be in it for money, but Communist China seems to view this as a reverse opium war.

Do any other members seek recognition on the amendment?

Ms. Jacobs is recognized.

Ms. JACOBS. Thank you, Mr. Chairman.

And I'd like to thank my colleague, Mr. Castro, for introducing this amendment.

The Convention on Chemical Weapons is an incredibly important international tool that we have to hold accountable people who are intentionally using chemical weapons against populations and civilians. And I worry that adding fentanyl without looking more into whether or not the ways it does or does not qualify would actually weaken the Chemical Weapons Convention, which we need for other areas.

And we know, if it is used as a weapon of war, there are already provisions in place that allow it to be, for the Convention to be applied. But adding it without having the special protections for domestic use that we know is important, not only hurts us domestically, but hurts our ability to hold accountable the kinds of dictators who are actually using chemical weapons against people.

I yield back.

Chairman MCCAUL. The gentlelady yields back.

Any further discussion?

Mr. Self is recognized.

Mr. SELF. Thank you, Mr. Chairman.

To my colleague from Texas, Mr. Castro, I will remind this body that one of the rules that we agreed to was single-issue bills.

Thank you very much. I yield back.

Chairman MCCAUL. The gentleman yields back.

Any further discussion?

Mr. Mills is recognized.

Mr. MILLS. Thank you, Mr. Chairman.

I adamantly am opposed to this amendment for multiple reasons. One, it is very proven that fentanyl does—by anyone who researches it—have a chemical structure. But, also, I do not find that this actually weakens our ability to just try and identify chemical weaponry. I just think that it opens us up to strengthening the fact that there are other chemical weapons that are being utilized by our adversaries in an effort to try to bypass that very rule.

You know, I look at what fentanyl has done to the Nation. And I would say that we've lost far more people to the intentional fentanyl crisis that is being created by China than any other tool of war in the last 10 years. And so, the idea that we're not calling this for what it is, which is China's intention, as they look at not only weakening us monetarily through their Belt and Road Initiative, or going after us from a resource, economic, and cyber warfare perspective, but also by trying to look at the ideas of poisoning Americans, which is an intentional effort.

So, I support Chairman McCaul in this by opposing this, and I ask my colleagues to do the same.

With that, I yield back.

Chairman MCCAUL. The gentleman yields back.

Any further discussion?

The ranking member is recognized.

Mr. MEEKS. Thank you, Mr. Chairman.

I think it's important for me to say that the edits secured in the ANS would eliminate the possibility that fentanyl, as a Schedule I drug on the Chemical Weapons Constitution, unlike Schedule II and Schedule III drugs that can be permissible industrial purposes for drugs under Section 2 and Section 3.

We worked on this very closely. We also agreed to a bipartisan sense of Congress that emphasized the CWC does not forbid legitimate industrial use of fentanyl. And while I share some of Mr. Castro's concerns, I worked very hard, and Mr. McCaul worked very hard with me, to put forth a good-faith effort for the above edit. And I thank him for that. And I think it's important for all members to know how hard we worked on this, and how we did end up with an agreement.

I yield back.

Chairman MCCAUL. And I thank the ranking member for his comments. We did work in the late hours, and as this committee often does, came to a bipartisan resolution. And that would be that Sections 2 and 3 would apply, but not Section 1.

Any further discussion on the amendment?

There being no further discussion, the question now occurs on the amendment offered by Representative Castro, No. 2.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the yeas have it and the amendment is not agreed to.

Any further amendments?

Mr. Castro is recognized.

Mr. CASTRO. I have an Amendment No. 42, I believe, at the desk.

Chairman McCAUL. The clerk shall distribute the amendment.

The clerk shall report the amendment.

The CLERK. "Amendment to the amendment in the nature of a substitute to H.R. 3205 offered by Mr. Castro of Texas."

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

[The Amendment No. 42 offered by Mr. Castro follows:]

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**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3205
OFFERED BY MR. CASTRO OF TEXAS**

Strike title II.



Chairman MCCAUL. The gentleman is recognized for 5 minutes on his amendment.

Mr. CASTRO. Thank you, Chairman. One of the things that I mentioned previously is the American side of this whole issue and this tragedy is completely missing. There's literally a black hole in this piece of public policy that does not address the American side at all.

And so, this amendment would simply call for a public awareness campaign, essentially, a public health campaign, as we've done with other addictions, and so forth, to address that. It's a fairly simple amendment.

Remember, it's important to note, also, that while fentanyl, of course, often it trafficked by cartels, often originates in China, we have had many addictions, like the addiction to OxyContin, that involved American individuals and enterprises, which was also incredibly deadly. Hundreds of thousands of people died from OxyContin addiction. And literally, one pharmaceutical company made billions of dollars dispensing this thing at pharmacies at over the place.

So, there's got to be a public awareness campaign in the United States. In fact, the bill itself, the text of the bill talks about a public awareness campaign in Mexico. We're going to do a public awareness campaign and spend money in Mexico, but we're not going to spend money in the United States with our own folks? I do not see how that makes sense.

So, this amendment is an effort to try to, at least in part, fill that hole in this policy.

I yield back, Chairman.

Chairman MCCAUL. The gentleman yields back.

Let me say I support this amendment.

And do any other members seek recognition?

There being no further discussion, the question now occurs on the amendment offered by Representative Castro, No. 1, 42.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it. The amendment is agreed to.

Are there any further amendments?

Mr. Perry is recognized.

The clerk shall distribute the amendment.

Mr. Perry, which amendment?

Mr. PERRY. Which amendment are you distributing, Mr. Chairman?

Chairman MCCAUL. Which amendment number?

Mr. PERRY. I'm asking you which one you're distributing. I'm at 142.

Chairman MCCAUL. OK.

Mr. PERRY. And we're going to pull 141, if you haven't done that already.

Chairman MCCAUL. Thank you.

The clerk shall distribute Perry Amendment 142.

The clerk shall report the amendment.

The CLERK. "Amendment to H.R. 3205 offered by Mr. Perry of Pennsylvania.

Page 18"——

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

[The Amendment No. 142 offered by Mr. Perry follows:]

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AMENDMENT TO H.R. 3205
OFFERED BY MR. PERRY OF PENNSYLVANIA

Page 18, line 15, strike subparagraph (A).



Chairman MCCAUL. The gentleman from Pennsylvania is recognized for 5 minutes on his amendment.

Mr. PERRY. Thank you very much, Mr. Chairman.

Let no one in the audience or the world think that I am not for the underlying purpose of this bill. My issue with the bill is it does not go nearly far enough in prosecuting what is happening in our country. And these amendments seek to remedy that to some extent.

This amendment strikes a section of the bill that gives the president the unilateral ability to waive any sanctions for humanitarian purposes. This amendment is necessary because of the ill-defined waiver for humanitarian purposes that could be used for any purposes whatsoever. And you could expect that it will be.

If you look at the Administration's track record with enforcing many economic sanctions, you will see it is dubious at very best. Even without a waiver, the Administration is likely just to ignore and not enforce the sanctions. There is no need to give them yet another way to weasel their way out of enforcing these sanction. Our Americans are dying at record levels. And this Administration is tone-deaf. It is beyond tone-deaf.

Humanitarian purposes are not defined in the bill, so any waiver can be claimed to be humanitarian in nature, and the president could choose not to enforce them. For example, the president could determine that cooperation with China on climate change serves a humanitarian purpose and waive sanctions of Chinese officials sending chemical weapons into the United States to kill our kids.

We need to be sending pieces of legislation that are stronger and harder to get around, especially again with this Administration's track record on economic sanction enforcement. The bill does not provide a check on the Administration for legislative branch to say the president is abusing the waiver system, increasing the likelihood of said abuse.

The legislation requires reports to the appropriate congressional committees if a humanitarian waiver is used, which will likely result in a single report saying the waiver is based on non-defined humanitarian reasons. That will be the end of the process. And you will not hear any more about it. This is an outcome allowed under this current bill. This amendment seeks to close this glaring loophole and stop the abuse by our executive branch.

I urge adoption, again, to make this bill tougher and make it worthy of this committee's work and of our fealty to the American people and the very families that sit in front of us.

Mr. Chairman, I urge adoption. And I yield the balance.

Chairman MCCAUL. The gentleman yields back.

I respectfully oppose this amendment. This is a standard waiver for humanitarian aid programs consistent with all prior legislation. We will, of course, continue to engage in important oversight to ensure this sort of waiver is not abused.

Do any other members seek recognition?

There being no further discussion, the question now occurs on the amendment offered by Representative Perry, No. 142.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the noes have it. The amendment is not agreed to.

Are there any further amendments?

Mr. PERRY. Mr. Chairman, I have an amendment at the desk.

Chairman MCCAUL. Mr. Perry is recognized. The clerk shall distribute the amendment number——

Mr. PERRY. 143, Mr.——

Chairman MCCAUL. 143. I am sorry. The clerk shall report the amendment.

[The Amendment No. 143 offered by Mr. Perry follows:]

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AMENDMENT TO H.R. 3205
OFFERED BY MR. PERRY OF PENNSYLVANIA

Page 4, beginning line 22, amend subsection (c) to
read as follows:

1 (c) AUTHORIZATION OF APPROPRIATIONS.—No addi-
2 tional amounts are authorized to be appropriated to carry
3 out the programs described in subsection (a), which shall
4 be carried out using amounts otherwise authorized to be
5 appropriated to the Department of State.



The CLERK. Amendment to H.R. 3205 offered by Mr. Perry—
Chairman McCAUL. Without objection, further reading of the
amendment is dispensed with.

The gentleman is recognized for 5 minutes.

Mr. PERRY. Thank you, Mr. Chairman.

This amendment would strike the funds authorized in the bill as
written. This money would be spent to build the “capacity of Mexi-
can law enforcement’ ’, because they are doing so darn well now.
This is the same law enforcement that has categorically failed to
enforce existing trafficking laws. Actually, I believe they are help-
ing traffic into the United States of America.

This is the same country where the president blamed U.S. par-
ents, blamed U.S. parents for the fentanyl crisis because they
didn’t hug their kids enough. I do not know how much more dis-
gusted you could be at such a statement.

The U.S. Government has spent millions upon millions of hard-
earned tax dollars helping the Mexican government. Historically
we have not had the cooperation that we have needed to actually
stop these issues. And we have an opportunity today, ladies and
gentlemen, to actually do something meaningful.

Recently the government of Mexico even used the military to
seize a private port of a U.S. company for the use of a Mexican-
based company. And there is a good chance some of your money
went to train the people that seized the port. This is not where our
money should be going.

When people continue to misspend our money, when people,
countries continue to misspend our money and then insult our peo-
ple, I got a newsflash for you, that is not what friends do. It is
time. It is beyond time that we realize that continually funding the
problem is not the right answer. We need to see the actual good
faith effort from the Mexican government before we continue to
fund programs like the one established by this bill.

The government of Mexico has made it clear with their words,
and more importantly their actions, they truly do not want to help
us. They do not want to help us. They are like some folks quite
honestly in this body that want to act like they want to help you,
but actually not really do anything about it. Here we have an op-
portunity to do something about it.

Sixty-four million dollars of your hard-earned tax dollars that are
going to be sent to Mexico allegedly to train their law enforcement
that somehow you are going to believe is helping to stop this. I
guarantee you they are on the take. You are paying for them to do
this. It is unbelievable. We are \$31.7 trillion in debt, 31.7, because
of things like this. We got people in the audience right now who
have lost their loved ones. And their taxes went to support it. It
is unconscionable.

Mr. Chairman, I urge adoption. And I yield the balance.

Chairman McCAUL. The gentleman yields back.

Let me say I oppose this amendment respectfully. In the bill, we
deliberately capped State Department INL funding at current
spending levels. We do not authorize new money for these law en-
forcement programs until we know whether they are having a real
positive impact at reducing fentanyl trafficking.

As I mentioned, I am going to be going down to Mexico at the end of this month to meet with our international law enforcement team, which consists of FBI, DEA, intelligence community. As a former U.S. Attorney, someone who dealt with the border and with Mexico, it is imperative that we have some cooperation at the law enforcement level.

Now, I understand the gentleman's point, trust but verify. But to completely pull out I think would be a disaster that would not give us any ability to potentially stop these fentanyl at the port coming from China getting into Mexico.

My goal is to ensure we have the tools there to stop these precursors from even getting into Mexico. And we will have very strong oversight on this to make sure that it is being accomplished. If it does not, I assure you I will be the first one to point that out. So, with that, I oppose this.

Does any other member seek recognition?

Mr. Mills is recognized.

Mr. MILLS. Thank you, Mr. Chairman. Thank you, Mr. Perry, for presenting this.

Just a couple of questions, if I may. You know, I worked with the INL on poppy eradication and training operations in Afghanistan doing a lot of the security for them. And I found that it was really ineffective overall, as far as their ability to train or to get someone to actually come in and help with the poppy eradication when the government themselves was highly involved, and in many cases was actually the owners, as we saw with saw with President Karzai, who actually owned the largest poppy crops.

I bring that to your attention just for the simple fact that we do know that the Mexican President does not recognize that the cartels are an issue. Maybe it is because he is compromised in some type of a financial or instrumental way. But it could also be that he is also in fear for his own life, which is something that we have seen, and Mr. Perry and I have seen as well, when it comes to overseas.

Are we open—and again this is more for a question and understanding—to the idea that if we appropriate this \$64 million that is going from the State Department in support of INL to train the Mexican SEDENA that a report of some sort would be provided on a metrics-based condition, that if they do not sit on certain things—this is not for equipment, this is for training—and that if they are not getting to a certain level, that we would be able to suspend or pull funding?

So, with that, that is my question. And I would like to go ahead and yield back the remainder of my time.

Chairman MCCAUL. The gentleman yields back.

Let me just respond that we cap the funding at current levels. I will be going down to Mexico at the end of this month to personally provide oversight. This committee will provide oversight. They do have various labs, technology to identify precursors, canines. I know for a fact canines work very well when it comes to drugs and precursors.

If we totally pull out of this, then we give a complete green light to China to keep sending this stuff, this poison into Mexico. If we do not have our law enforcement down there, then we really are

at the hands of the drug cartels completely. And there will be nothing to stop it from coming in.

I see why this is an attractive amendment. But I think it is misplaced, maybe well intentioned, but the outcome would be, in my view as a former Federal prosecutor who has dealt with this for a very long time, would have a disastrous outcome.

Any members seek further recognition?

Mr. SELF is recognized.

Mr. SELF. Thank you, Mr. Chairman.

I am trying to understand the funding. This is not new appropriation. Is that correct? So——

Chairman MCCAUL. That is correct.

Mr. SELF. So where will they take this, these funds from?

Chairman MCCAUL. It has already been appropriated.

Mr. SELF. So, if it has already been appropriated, then it is part of their pot now.

Chairman MCCAUL. Correct.

Mr. SELF. But if they take this \$64 million, something else will go short. Do we have any idea?

Chairman MCCAUL. No, nothing else goes short. This money has already been appropriated.

No further discussion?

The question now occurs on the amendment offered by Representative Perry, No. 143.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the noes have it. And the amendment is not agreed to.

Any further amendments?

Mr. Perry is recognized for——

Mr. PERRY. Mr. Chairman, I have got an amendment at the desk, No. 145.

Chairman MCCAUL. The clerk shall distribute the amendment. And the clerk shall report the amendment.

[The Amendment No. 145 offered by Mr. Perry follows:]

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AMENDMENT TO H.R. 3205
OFFERED BY MR. PERRY OF PENNSYLVANIA

Page 3, after line 7, insert the following:

1 SEC. 101 SENSE OF CONGRESS.

2 It is the sense of Congress that the statement of
3 Mexico's President Andres Manuel Lopez Obrador on
4 March 17, 2023, that the United States of America's
5 fentanyl crisis is caused by "a lack of hugs, of embraces",
6 should be condemned.



The CLERK. Amendment to H.R. 3205 offered by Mr. Perry of Pennsylvania—

Chairman MCCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PERRY. Thank you, Mr. Chairman.

We are a bunch of rubes paying these people to kill our kids, destroy our country. Mexico is a narco-State. Mr. Chairman, this amendment adds a sense of Congress condemning Mexico's president's statement saying that the fentanyl crisis is caused by a lack of hugs, of embraces in the United States. I cannot imagine that. My wife and I have two children that we hug every single day. We love them desperately. And any one of them I imagine could fall into the same trap that the folks here today, that their children have fallen into.

It is just unbelievable to me. This statement is reprehensible and shows just how little the Mexican president, I do not know whether he understands or cares or does not care about the epidemic that his country, his country is facilitating.

As of 2023, the CBP has seized over 10,000 pounds of fentanyl at the southern border and is just what has been seized. Look, obviously, a lot more is coming in or these ladies wouldn't be sitting in front of us today.

The lax enforcement in Mexico allows for the deadly substance to make its way to the United States. Worse, the Mexican government has decried the U.S. charging Mexican cartel members with charges of smuggling massive amounts of fentanyl into the U.S., claiming the U.S. had no right to charge them with those crimes.

So get this straight, we cannot charge them with those crimes, but we can pay them to charge them with the crimes that they are deriding us for charging them with. And you actually believe that they are going to charge them with them after we pay them. We are a bunch of rubes.

Not only is the president of Mexico refusing to engage in the enforcement in his country, but he is also condemning us for doing so here. The fentanyl crisis facilitated by the Mexican government is taking the lives of Americans across the country every single day, taking the lives of each of our constituents every single day.

Stopping the crisis begins with getting tough for once in this committee ever, getting tough with our neighbors and ensuring that they accept their role, they are doing this, in this crisis rather than blaming the parents and the loved ones, blaming the parents and the loved ones that they had a hand in killing, that they had a hand in killing.

This amendment would begin the process by condemning the heartless comments by the Mexican president against the people of our Nation, the people that we represent, Mr. Chairman. We do not represent Mexico or Mexican law enforcement. We represent Americans. I wish I didn't have to remind myself and others of that, but it seems like it is necessary.

With that, I yield the balance.

Chairman MCCAUL. The gentleman yields back.

And let me say I support this amendment basically stating it is a sense of Congress that the statement of Mexico's president, An-

dres Manuel Lopez Obrador, stated that the United States of America's fentanyl crisis is caused by "a lack of hugs and of embraces." ' ' We cannot stand for—Mr. Perry, Mr. Perry, I agree with your statement.

Mr. PERRY. I appreciate that, Mr. Chairman.

Chairman McCAUL. And I do not think we can stand for Mexican officials casting blame on the United States for the fentanyl crisis. And I think it is irresponsible to say so.

Do any other members seek recognition?

There being no further discussion, the question now occurs on the amendment offered by Mr. Perry, No. 145.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it. The amendment is agreed to.

Are there any further amendments?

Mr. Perry is recognized.

Mr. PERRY. Yes, Mr. Chairman, I have got an amendment at the desk, No. 148.

Chairman McCAUL. OK. The clerk shall distribute Perry Amendment 148. The clerk shall report the amendment.

[The Amendment No. 148 offered by Mr. Perry follows:]

AMENDMENT TO H.R. 3205
OFFERED BY MR. PERRY OF PENNSYLVANIA

Page 17, after line 23, insert the following:

1 (c) CLOSURE OF THE CONSULATE GENERAL OF
2 MEXICO.—

3 (1) IN GENERAL.—During any period in which
4 sanctions are imposed on 1 or more government offi-
5 cials of Mexico pursuant to this Act, the President
6 shall, notwithstanding any other provision of law,
7 take such actions as may be necessary to close the
8 Consulate General of Mexico with respect to which
9 such agreement was not reached, including all Con-
10 sulates General of Mexico in the United States, in-
11 cluding each Consulate listed in subsection (b).

12 (2) CONSULATES GENERAL.—

13 (A) The Consulate General of Mexico lo-
14 cated in Albuquerque, NM.

15 (B) The Consulate General of Mexico lo-
16 cated in Atlanta, GA.

17 (C) The Consulate General of Mexico lo-
18 cated in Austin, TX.

19 (D) The Consulate General of Mexico lo-
20 cated in Boise, ID.

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2

1 (E) The Consulate General of Mexico lo-
2 cated in Boston, MA.

3 (F) The Consulate General of Mexico lo-
4 cated in Brownsville, TX.

5 (G) The Consulate General of Mexico lo-
6 cated in Calexico, CA.

7 (H) The Consulate General of Mexico lo-
8 cated in Chicago, IL.

9 (I) The Consulate General of Mexico lo-
10 cated in Dallas, TX.

11 (J) The Consulate General of Mexico lo-
12 cated in Del Rio, TX.

13 (K) The Consulate General of Mexico lo-
14 cated in Denver, CO.

15 (L) The Consulate General of Mexico lo-
16 cated in Detroit, MI.

17 (M) The Consulate General of Mexico lo-
18 cated in Douglas, AZ.

19 (N) The Consulate General of Mexico lo-
20 cated in Eagle Pass, TX.

21 (O) The Consulate General of Mexico lo-
22 cated in El Paso, TX.

23 (P) The Consulate General of Mexico lo-
24 cated in Fresno, CA.

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3

1 (Q) The Consulate General of Mexico lo-
2 cated in Houston, TX.

3 (R) The Consulate General of Mexico lo-
4 cated in Indianapolis, IN.

5 (S) The Consulate General of Mexico lo-
6 cated in Kansas City, MO.

7 (T) The Consulate General of Mexico lo-
8 cated in Laredo, TX.

9 (U) The Consulate General of Mexico lo-
10 cated in Las Vegas, NV.

11 (V) The Consulate General of Mexico lo-
12 cated in Little Rock, AR.

13 (W) The Consulate General of Mexico lo-
14 cated in Los Angeles, CA.

15 (X) The Consulate General of Mexico lo-
16 cated in McAllen, TX.

17 (Y) The Consulate General of Mexico lo-
18 cated in Miami, FL.

19 (Z) The Consulate General of Mexico lo-
20 cated in Milwaukee, WI.

21 (AA) The Consulate General of Mexico lo-
22 cated in New Orleans, LA.

23 (BB) The Consulate General of Mexico lo-
24 cated in New York, NY.

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4

- 1 (CC) The Consulate General of Mexico lo-
- 2 cated in Nogales, AZ.
- 3 (DD) The Consulate General of Mexico lo-
- 4 cated in Omaha, NE.
- 5 (EE) The Consulate General of Mexico lo-
- 6 cated in Orlando, FL.
- 7 (FF) The Consulate General of Mexico lo-
- 8 cated in Oxnard, CA.
- 9 (GG) The Consulate General of Mexico lo-
- 10 cated in Philadelphia, PA.
- 11 (HH) The Consulate General of Mexico lo-
- 12 cated in Phoenix, AZ.
- 13 (II) The Consulate General of Mexico lo-
- 14 cated in Portland, OR.
- 15 (JJ) The Consulate General of Mexico lo-
- 16 cated in Presidio, TX.
- 17 (KK) The Consulate General of Mexico lo-
- 18 cated in Raleigh, NC.
- 19 (LL) The Consulate General of Mexico lo-
- 20 cated in Sacramento, CA.
- 21 (MM) The Consulate General of Mexico lo-
- 22 cated in Saint Paul, MN.
- 23 (NN) The Consulate General of Mexico lo-
- 24 cated in Salt Lake City, UT.

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5

1 (OO) The Consulate General of Mexico lo-
2 cated in San Antonio, TX.

3 (PP) The Consulate General of Mexico lo-
4 cated in San Bernardino, CA.

5 (QQ) The Consulate General of Mexico lo-
6 cated in San Diego, CA.

7 (RR) The Consulate General of Mexico lo-
8 cated in San Francisco, CA.

9 (SS) The Consulate General of Mexico lo-
10 cated in San Jose, CA.

11 (TT) The Consulate General of Mexico lo-
12 cated in San Juan, PR.

13 (UU) The Consulate General of Mexico lo-
14 cated in Santa Ana, CA.

15 (VV) The Consulate General of Mexico lo-
16 cated in Seattle, WA.

17 (WW) The Consulate General of Mexico lo-
18 cated in Tucson, AZ.

19 (XX) The Consulate General of Mexico lo-
20 cated in Yuma, AZ.



The CLERK. Amendment to H.R. 3205 offered by Mr. Perry of Pennsylvania, page 17, after line 23, insert the following, closure of the Consulate General of Mexico, in general——

Chairman MCCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PERRY. Thank you, Mr. Chairman.

This amendment would require the president to shut down the consulates of Mexico should any Mexican government officials be subject to sanctions created under this bill. I know it sounds harsh, oh my goodness. The underlying bill classifies fentanyl as a chemical weapon, a chemical weapon. Do we have a consulate in North Korea? I wonder why we do not have one. How about in Iran? Maybe it is because they are trying to kill Americans.

It classifies fentanyl as a chemical weapon and calls for the U.S. Government to advocate for the international community to classify it as such, but yet we are still willing to hang out with the people that are trafficking in and sending chemical weapons to the United States of America to kill our people.

This means those sanctioned by this bill are not just smuggling drugs. They are smuggling chemical weapons into the United States for the purposes of unleashing them on our constituents. There is other reason to send them here. It is not like they are sending them so that we have horse tranquilizer or elephant tranquilizers at the ready just in case one comes running down the street.

This is worth repeating. Those sanctioned under this bill are smuggling chemical weapons into the United States, chemical weapons that will be used to kill your constituents. Given this context, there needs to be consequences, severe consequences.

I do not know if anybody has ever had to wear what we called MOPP gear. But if you are under a chemical attack and you want to wear that around for 15 minutes or five or eight or 20 hours, you will know what it is all about. Chemical weapons are serious business. They are serious business.

And if any official in the Mexican government is found to be subject to these sanctions, the consequences must also apply to the Mexican government, because we actually should mean something in this Congress. Shutting down their consulates until they no longer employ sanctioned officials seems like a weak response to unleashing chemical weapons on Americans. But it would be a small start.

The U.S. has used the carrot method since 2008, spending billions of dollars finding the cartels and trying to curb the influence of the cartels. And you know what has happened? The cartels are only getting stronger, ladies and gentlemen. They are running our border, not because Perry says so. The Border Patrol tells us so. The Border Patrol under a Biden Administration tells us that. Tens of thousands of U.S. citizens have died from the chemical weapon that flows freely, freely in an open border with Mexico.

At this point, we simply have no choice but to employ more of the stick method to stop this crisis at the southern border, because the carrot method, it ain't helping. We are paying them to poison us. That is awesome. Who would do such a thing?

We cannot have normal relations with a nation if they have members of their government knowingly allowing chemical weapons to kill Americans in our country. I know it sounds harsh. But sooner or later, I do not know how many deaths. I do not know how, ladies, I do not know how many times you have to come to Washington, DC. and sit here and hear us talk. We ought to do something and do something meaningful, get somebody's attention, because I suspect your attention has been gotten and you are here hoping to get ours.

With that, Mr. Chairman, I urge adoption. And I yield the balance.

Chairman MCCAUL. The gentleman yields.

Let me say I respectfully oppose this amendment. It would absolutely destroy any relationship we have with Mexico. In fact, Mexico would retaliate and close our consulates in Mexico in return. And the resulting situation for American citizens and U.S. national security would be catastrophic.

We also lose counter narcotics cooperation at a critical time when thousands of Americans are dying from drug overdoses. We would also lose important intelligence and military cooperation aimed at the cartels, some of which I cannot go into in an open setting, and tracking criminals and terrorists in the region.

Finally, it would, American businesses would be impacted, and trade exports would suffer immensely. Mexico is the largest trading partner with my home State of Texas. Millions of U.S. jobs depend on trade with Mexico. This amendment would effectively kill millions of American jobs in my State, Texas, that depend on our relationship. So, for those reasons, I oppose.

Do any other members seek recognition?

Mr. Mills is recognized.

Mr. MILLS. Thank you, Mr. Chairman.

Much like yourself, my reason for opposing this is that this is the Foreign Affairs Committee. And we understand the significance of opening up diplomatic channels so that we can discuss back and forth between the nations to try and find resolutions. And every time that we have actually closed those types of doors you have our actual adversaries, such as China and Russia, who has rushed in to fill that void.

I personally see this as only exacerbating the problems when it comes to the fentanyl overdoses. And I do not see how us actually closing out diplomatic efforts between our two nations enables us to have the communication platforms necessary to address these issues and further empowers China and Mexico's approach.

You know, we talked about during the President Trump's Administration how significant the Abraham Accords is, one of the actual things that we are going to be discussing today, which is 3099, and how opening up diplomatic channels between Israel and other people within the Middle East to recognize them and also open up trade and discussions actually would help with stabilization. Now, think about that for a moment.

We see where fentanyl is continuing to try and destabilize our Nation through its poisoning and intentional poisoning, whether it be by China or the \$13 billion a year cartel government-run or government-supported efforts. But I do not see how closing consulates

and preventing diplomatic discussions and looking at ways for two nations to work together would actually solve the crisis when it comes to the fentanyl overdoses.

And as Chairman McCaul rightfully said, you know, we replaced NAFTA with the USMCA, which allowed us to have a better trade. And it would impact American businesses. It would impact our abilities here in the U.S. when it comes to trade deals, Texas being one of those and Florida.

But, again, while I think that this bill is well intended, I respectfully oppose this bill because I do not think it addresses the root cause of why we are pushing H.R. 3205, which is to go after fentanyl, not go after diplomatic relations.

With that, I yield back the balance of my time.

Chairman McCAUL. And I thank the gentleman. The gentleman yields back.

Any members, other members seek recognition?

There being no further discussion, the question now occurs on the amendment offered by Representative Perry, No. 148.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the noes have it. The amendment is not agreed to.

Are there any further amendments?

Mr. Perry is recognized.

Mr. PERRY. Mr. Chairman, I got an amendment at the desk, No. 149.

Chairman McCAUL. The clerk shall distribute the amendment. It is Perry Amendment No. 149. The clerk shall report the amendment.

[The Amendment No. 149 offered by Mr. Perry follows:]

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AMENDMENT TO H.R. 3205
OFFERED BY MR. PERRY OF PENNSYLVANIA

Page 3, after line 7, insert the following:

1 SEC. 101 SENSE OF CONGRESS.

2 It is the sense of Congress that Mexico's failure to
3 stop the fentanyl from coming into Mexico from China has
4 led to a public emergency in the United States.



The CLERK. Amendment to H.R. 3205 offered by Mr. Perry of Pennsylvania—

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. PERRY. Thank you, Mr. Chairman.

This amendment would add a sense of Congress that Mexico's failure to stop fentanyl from China has led to a public emergency in the United States. My goodness, we are calling it chemical weapons and chemical warfare. Let us be clear. If fentanyl was not a public emergency, then we would not be considering this bill today. But somebody's conscience needs to be shocked. This is clearly not only a pressing issue, but it is an issue of concern to many of our constituents, our bosses.

While part of this issue is the Biden Administration's abject failure to protect our border, it is also due to the Mexican government's failure to address the free flow of fentanyl into the United States and I would say their complicity. But that's me.

The government of Mexico has allowed fentanyl precursors, a component of a chemical weapon, from China to pour into their country and then facilitated the cartel's ability to produce the chemical weapon and transport it into the United States of America. The fentanyl trade has then translated to thousands upon thousands of untimely deaths in the United States, including in every single member's congressional district.

Today, today we must call out two countries, two, whose failed policies—actually, let me just revise that. I am not sure it is a failed policy. I think Mexico is making money, and I think this is China's, I actually think it is their design. But they have helped lead us to the issue. China's manufacturing and Mexico's failure to stop have led us to where we are right now.

China's production of these fentanyl precursors is killing Americans, period, full stop. Mexico's unwillingness, not their inability, it is their unwillingness to prevent production of fentanyl in their country and the smuggling of it to the United States is killing our citizens. Our own failed border policies that allow for the free flow of fentanyl into our Nation is killing Americans. I do not know how many more times I got to say it.

But if our sense of Congress, if a sense of Congress will make the difference, it is almost asking nothing. It is almost asking nothing. But if it will make some difference, any difference, to save lives in America and hold to account the two governments that are preying on our people, then it absolutely must be done. It is the minimum.

Again, I think that this bill should be much stronger. I have tried to offer what I could to strengthen our resolve and actually do something here in Congress to honor the lives that have been lost, that have been taken, the murders that have taken place in our country while we sit here and fiddle. And what I have done today is going to be of marginal measure. And I am disappointed in it. I am disappointed in our committee. I am disappointed in this bill. And I hope that we can do more. And I hope this is not the end of this discussion and the end of our work. I hope it is just the very small beginning.

Mr. Chairman, I urge adoption. And I yield the balance.

Chairman MCCAUL. The gentleman yields back.

Let me first say that calling fentanyl a chemical weapon is a very strong statement by this committee. I cannot think of anything stronger. In fact, many on the other side of the aisle probably do not like the fact that we are going that far with this bill. So, to say this is not a strong bill, I completely disagree with the gentleman.

However, I do support this amendment. And I appreciate Mr. Perry bringing this forward to making this bill stronger. Clearly this is a public emergency. And that is all this amendment says, sense of Congress that this is a public emergency. And I think the families here of the victims certainly would agree with that. And I cannot imagine anybody on this committee not agreeing that this is, in fact, a public emergency.

Let me also say this bill was brought to us with support of almost half of the Attorneys General of the United States across all those States. And every victims' rights group, every treatment centers, it has very strong support for a very strong bill. To call it otherwise is really, I think undermines the intent of the bill. It undermines what the victims have done to bring this bill forward. And we should stand for this bill in the strongest terms.

So, with that, there being no further discussion, the ranking member is recognized.

Mr. MEEKS. Mr. Chairman, I do agree that this is, you know, we have an emergency of which we need to deal with. But I do have to oppose this amendment because I do not believe that we need to alienate Mexico precisely when we need their cooperation. I can recall when we had this epidemic out of Colombia. What we did was work together and came up with Plan Colombia to stop the influx or to try to stop the influx of drugs.

So, to me, the myopic amendment, this myopic amendment fails to capture the vast problem that is the fentanyl supply chain. It has no operative effect but will poison relations between Mexico and the United States. And, therefore, I must oppose this amendment.

I yield back.

Chairman MCCAUL. The gentleman opposes and yields back.

Any further discussion on the amendment?

There being no further discussion, the question now occurs on the amendment offered by Representative Perry, No. 149.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it. The amendment is agreed to.

Are there any further amendments?

Mr. Perry is recognized.

Mr. PERRY. Mr. Chairman, I have no further amendments.

Chairman MCCAUL. We thank you for that.

There being no further amendments, the question now occurs on the amendment in the nature of a substitute, No. 49, offered by myself.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it. The amendment is agreed to.

I now move that the committee report H.R. 3205 as amended to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it. The motion is agreed to.

Without objection, the motion to reconsider is laid on the table. The staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H.R. 3203, the Stop Chinese Fentanyl Act of 2023. The bill was circulated in advance. And the clerk shall designate the bill.

[The Bill H.R. 3203 follows:]



I

118TH CONGRESS
1ST SESSION

H. R. 3203

To impose sanctions with respect to Chinese producers of synthetic opioids and opioid precursors, to hold Chinese officials accountable for the spread of illicit fentanyl, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mr. BARR (for himself, Mr. PAPPAS, Mr. LUETKEMEYER, Mr. NUNN of Iowa, Mr. MURPHY, and Mr. MCGARVEY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Accountability, and the Judiciary, 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 impose sanctions with respect to Chinese producers of synthetic opioids and opioid precursors, to hold Chinese officials accountable for the spread of illicit fentanyl, 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.**

4 This Act may be cited as the “Stop Chinese Fentanyl
5 Act of 2023”.

1 **SEC. 2. AMENDMENTS TO THE FENTANYL SANCTIONS ACT.**

2 (a) DEFINITIONS.—Section 7203(5) of the Fentanyl
3 Sanctions Act (21 U.S.C. 2302(5)) is amended—

4 (1) by striking “The term ‘foreign opioid traf-
5 ficker’ means any foreign person” and inserting the
6 following: “The term ‘foreign opioid trafficker’—

7 “(A) means any foreign person”;

8 (2) by striking the period at the end and insert-
9 ing “; and”; and

10 (3) by adding at the end the following:

11 “(B) includes—

12 “(i) any entity of the People’s Repub-
13 lic of China that the President deter-
14 mines—

15 “(I) produces, manufactures, dis-
16 tributes, sells, or knowingly finances
17 or transports any goods described in
18 clause (i) or (ii) of paragraph (8)(A);
19 and

20 “(II) fails to take credible steps,
21 including through implementation of
22 appropriate know-your-customer pro-
23 cedures or through cooperation with
24 United States counternarcotics ef-
25 forts, to detect or prevent opioid traf-
26 ficking; and

1 “(ii) any senior official of the Govern-
2 ment of the People’s Republic of China or
3 other Chinese political official that—

4 “(I) has significant regulatory or
5 law enforcement responsibilities with
6 respect to the activities of an entity
7 described in clause (i); or

8 “(II) otherwise fails to take cred-
9 ible steps to combat foreign opioid
10 traffickers.”.

11 (b) IDENTIFICATION OF FOREIGN OPIOID TRAF-
12 FICKERS.—Section 7211 of the Fentanyl Sanctions Act
13 (21 U.S.C. 2311) is amended—

14 (1) in subsection (a)(1)(A), by adding at the
15 end before the semicolon the following: “, including
16 whether the heads of the National Narcotics Control
17 Commission, the Ministry of Public Security, the
18 General Administration of Customs, and the Na-
19 tional Medical Products Administration of the Gov-
20 ernment of the People’s Republic of China are for-
21 eign opioid traffickers”; and

22 (2) in subsection (c), by striking “5 years” and
23 inserting “10 years”.

1 **SEC. 3. AMENDMENTS TO THE INTERNATIONAL EMER-**
2 **GENCY ECONOMIC POWERS ACT AND THE**
3 **TRADING WITH THE ENEMY ACT.**

4 (a) INTERNATIONAL EMERGENCY ECONOMIC POW-
5 ERS ACT.—

6 (1) PERIODIC EVALUATION.—Section 203 of
7 the International Emergency Economic Powers Act
8 (50 U.S.C. 1702) is amended by adding at the end
9 the following:

10 “(d) PERIODIC EVALUATION.—

11 “(1) IN GENERAL.—If the authority granted to
12 the President under this section is exercised with re-
13 spect to a covered national emergency, the President
14 shall transmit to the appropriate congressional com-
15 mittees, not less frequently than annually, a periodic
16 evaluation in writing that—

17 “(A) assesses the effectiveness of the exer-
18 cise of such authority in resolving the covered
19 national emergency;

20 “(B) considers the views of public- and pri-
21 vate-sector stakeholders; and

22 “(C) discusses any potential changes to the
23 exercise of the authority for the purpose of
24 more effectively resolving the covered national
25 emergency.

26 “(2) DEFINITIONS.—In this subsection—

1 “(A) the term ‘appropriate congressional
2 committees’ means—

3 “(i) the Committee on Foreign Affairs
4 and the Committee on Financial Services
5 of the House of Representatives; and

6 “(ii) the Committee on Foreign Rela-
7 tions and the Committee on Banking,
8 Housing, and Urban Affairs of the Senate;
9 and

10 “(B) the term ‘covered national emergency’
11 means a national emergency that—

12 “(i) the President declared two or
13 more years prior to the exercise of any au-
14 thority granted to the President under this
15 section with respect to such national emer-
16 gency; and

17 “(ii) has not terminated.”.

18 (2) CONSULTATION AND REPORTS.—Section
19 204 of the International Emergency Economic Pow-
20 ers Act (50 U.S.C. 1703) is amended—

21 (A) by striking “the Congress” each place
22 it appears and inserting “the appropriate con-
23 gressional committees”; and

24 (B) by adding at the end the following:

1 “(e) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term ‘appropriate congres-
3 sional committees’ has the meaning given that term in sec-
4 tion 203(d)(2).”.

5 (3) AUTHORITY TO ISSUE REGULATIONS.—Sec-
6 tion 205 of the International Emergency Economic
7 Powers Act (50 U.S.C. 1704) is amended—

8 (A) by striking “The President” and in-
9 serting “(a) The President”; and

10 (B) by adding at the end the following:

11 “(b) In issuing regulations under subsection (a), the
12 President shall—

13 “(1) consider the costs and benefits of available
14 statutory and regulatory alternatives;

15 “(2) evaluate the costs and benefits for the pur-
16 pose of expeditiously resolving the applicable na-
17 tional emergency;

18 “(3) establish criteria for the eventual termi-
19 nation of the applicable national emergency; and

20 “(4) include in the basis and purpose incor-
21 porated in the regulations—

22 “(A) an explanation of how the regulations
23 will resolve the applicable national emergency;
24 and

1 “(B) a discussion of the costs and bene-
2 fits.”.

3 (4) STATUTE OF LIMITATIONS.—Section 206 of
4 the International Emergency Economic Powers Act
5 (50 U.S.C. 1705) is amended by adding at the end
6 the following:

7 “(d) STATUTE OF LIMITATIONS.—

8 “(1) CIVIL PENALTY.—An action, suit, or pro-
9 ceeding for the enforcement of any civil fine, pen-
10 alty, or forfeiture, pecuniary or otherwise, shall not
11 be entertained unless commenced within 10 years
12 from the latest date of the violation upon which the
13 civil fine, penalty, or forfeiture is based.

14 “(2) CRIMINAL PENALTY.—No person shall be
15 prosecuted, tried, or punished for any offense under
16 this section unless the indictment is found or the in-
17 formation is instituted within 10 years from the lat-
18 est date of the violation upon which the indictment
19 or information is based.”.

20 (b) TRADING WITH THE ENEMY ACT.—Section 16
21 of the Trading with the Enemy Act (50 U.S.C. 4315) is
22 amended by adding at the end the following:

23 “(d) STATUTE OF LIMITATIONS.—

24 “(1) CRIMINAL PENALTY.—No person shall be
25 prosecuted, tried, or punished for any offense under

1 this section unless the indictment is found or the in-
2 formation is instituted within 10 years from the lat-
3 est date of the violation upon which the indictment
4 or information is based.

5 “(2) CIVIL PENALTY.—An action, suit, or pro-
6 ceeding for the enforcement of any civil fine, pen-
7 alty, or forfeiture, pecuniary or otherwise, shall not
8 be entertained unless commenced within 10 years
9 from the latest date of the violation upon which the
10 civil fine, penalty, or forfeiture is based.”.

○

The CLERK. H.R. 3203, a bill to impose sanctions with respect to Chinese producers of synthetic opioids—

Chairman MCCAUL. Without objection, the first reading of the bill is dispensed with and the bill is considered read and open to amendment at any point.

I now recognize myself for a brief opening statement.

All roads lead to China when it comes to fentanyl entering the United States. CCP works hand-in-glove with the Mexican cartels to bring in the precursors to create the deadly drug. Since Fiscal Year 2020 CBP—CBP has seized 43,186 pounds of fentanyl. That is enough to kill over 9 billion people, over 29 times the United States' population. We must hold Communist China and the CCP officials engaged in this illicit trade accountable for killings hundreds of thousands of Americans. It is critical that Congress take action to impose sanctions of the Chinese producers of this synthetic opioid and its precursors.

This legislation expands the definition of foreign opioid trafficker to include any entity in the CCP that knowingly participates in the global opioid trade and senior CCP officials who enable opioid trade by failing to enforce laws that prohibit its trafficking. Moreover, the bill requires a report that would identify whether certain agencies of the PRC qualify as foreign opioid traffickers. Communist China is poisoning our young people, our most vulnerable, our children, and this measure will facilitate new ways to hold them accountable and stem the flow of this deadly drug.

Does any other member seek recognition on the bill?

Mr. Meeks is recognized.

Mr. MEEKS. Thank you, Mr. Chairman. Unfortunately I regret that I have to say I oppose this measure. This is one of the few that I do oppose. The opioid crisis has killed thousands of Americans and we all, as indicated by members on both sides of the aisle, have been touched by this crisis. And given the seriousness of this issue my preference is we would find a way to continue to work in a bipartisan fashion with the seriousness of purpose that this crisis mandates.

Unfortunately I believe the legislation before us would result in the opposite of its stated goal. And I know in working we tried to work this out and my team offered reasoned—what I believe to be reasonable edits to improve the bill, which were unfortunately rejected. And in doing so we are left with a bill that would actually make it harder to save lives by making it less likely that Beijing takes action on the spread of its precursors.

To address this crisis we need Beijing to clamp down on the illicit production and trade of precursors. If this legislation were passed into law, it would backfire cutting off any prospects of Beijing doing more to stop the trafficking of illicit fentanyl precursors. That would be worse than doing nothing. That would be doing harm.

So I must oppose this measure and urge my colleagues to do the same. And I hope that we can focus on smart and effective ways to handle this tremendous threat to American life instead of politicizing an issue so near and dear to all of our hearts. And I yield back.

Chairman MCCAUL. The gentleman yields back.

Is there any further discussion on the bill?

Mr. Self is recognized.

Mr. SELF. Thank you, Mr. Chairman. We need to recognize that China is at war with us today, psychologically, financially, through fentanyl, every way they can short of kinetic and cyber. No, let's include cyber. So we need to recognize we are well past what the ranking member just suggested. I absolutely support this bill. I yield back.

Chairman MCCAUL. The gentleman yields back.

Any further discussion?

Mr. Barr is recognized.

Mr. BARR. Thank you, Mr. Chairman, and thank you for calling up this bipartisan legislation, the Stop Chinese Fentanyl Act. This bill is the product of hearings we have held in both the Foreign Affairs and Financial Services Committee and it is in response to countless personal tragedies that I have seen now play out in my home State of Kentucky.

While the executive branch enjoys significant authorities to sanction fentanyl traffickers, there is a loophole involving Chinese companies and officials who turn a blind eye to the sale of synthetic opioids and their precursors. While these persons may stand—may claim to stand at arm's length from illicit trafficking, their negligence enables that trade. These sales from China are crucial to the fentanyl supply chain that runs through Mexico.

As one of our hearing witnesses, John Cassara, a former special agent with the Treasury Department, told us in the Financial Services Committee the Chinese Communist Party, quote, "tacitly supports aspects of international drug trafficking by looking the other way as it does with the fentanyl trade," unquote.

To suggest, as my good friend the ranking member—that this strategy of going after the Chinese Communist Party will backfire, I think what we have learned from professional witnesses, former special agents with Treasury, is that appeasement is not working. We have to sanction these people and sanction the sources of this illicit fentanyl trade.

Going soft on China is not politicizing the issue—or going hard on China is not politicizing the issue. Going soft on China is not the answer.

Another witness testified that U.S. official suspect China is letting the drug trade with Mexico flourish as a way to destabilize our region. This is where my bill comes in. The legislation provides for sanctions against Chinese entities that produce, sell, transport, or finance synthetic opioids and their precursors, but which fall short in due diligence measures or fail to cooperate with U.S. counter-narcotics efforts. This bill would further make senior Chinese officials sanction-able if they regulate those entities or otherwise fail to take credible steps against Chinese opioid traffickers.

Under my legislation the President would also be required to determine each year if certain Chinese government leaders with authorities related to fentanyl should be sanctioned for their negligence. In other words, Mr. Chairman, my bill targets those in China who look the other way. Either they bolster their cooperation with us to crack down on synthetic opioids or they will face the consequences.

Typically we impose sanctions on bad actors who engage in malign activities, not on those who fail to prevent the activities, but this is a reasonable practice given the power of U.S. sanctions. Here we must take an exception because unless we secure greater cooperation from China, from know-your-customer procedures at pharmaceutical companies and banks to more vigorous law enforcement against Chinese traffickers, we will continue to fall behind in the fight against fentanyl. Just hoping that the Chinese are going to do the right thing without sanctions is not a strategy. We have tried that and it has failed.

Here is why we must do everything to win that fight: In my home State the Kentucky Counterdrug Program seized 142 pounds of fentanyl in just the past 7 months, enough to cause a fatal overdose in over 28 million people. From 2019 to 2021 Kentucky saw a 70-percent increase in overdose deaths, 90 percent of which involved an opioid. Each day over 150 people in the United States die from an overdose related to synthetic opioids. Every district represented on this committee has been affected by this crisis.

The fentanyl supply chain relies on Chinese actors who have the power to stop illicit trafficking but choose not to. My legislation puts them on notice that they will no longer be invisible to our sanctions laws.

Finally, Mr. Chairman, my legislation includes common-sense updates to the International Emergency Economic Powers Act, one of the primary authorities underlying our sanctions. This includes stronger oversight to ensure that IEEPA sanctions are designed to resolve national emergencies with maximum effectiveness. My legislation also extends the IEEPA statute of limitations from 5 years to 10, a priority for Treasury's Office of Foreign Asset Control, so that sanctions violators do not escape prosecution.

I want to again thank the Chairman for considering my bill. I urge my colleagues to support it. Fentanyl is a scourge that affects all of our communities and today's markup is an opportunity to pass meaningful legislation to combat it. The time for wishful thinking that if we just leave them alone the Chinese government will do the right thing—those days are over. It is time to get tough on China and sanction the entities that are the source of this poison and this chemical weapon killing our people. And with that I yield back.

Chairman MCCAUL. The gentleman yields back.

Let me thank Mr. Barr for bringing this bill for markup. And I want to also thank the Financial Services Committee for working closely with this committee getting to a point where we can mark this up, move it to the floor by next week. There was really great cooperation between the two committees. And as the gentleman said, this does have Democrat—bipartisan support co-sponsors on the bill.

Is there any further discussion on the bill?

There being no further discussion of the bill, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

Mr. Barr is recognized.

Mr. BARR. Thank you, Mr. Chairman. I do have an amendment at the desk. It is Barr Amendment 27 to H.R. 3203. Mr. Chairman, this amendment will add additional clarity to my bill.

Chairman McCAUL. Pause. The clerk shall distribute the amendment.

And the clerk shall report the amendment.

The. CLERK. Amendment to H.R. 3203 offered by Mr. Barr of Kentucky. Page 3, line 7, strike or——

Chairman McCAUL. Without objection, further reading of the amendment is dispensed with. The gentleman is recognized for 5 minutes.

[The Amendment No. 27 of Mr. Barr follows:]

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AMENDMENT TO H.R. 3203
OFFERED BY MR. BARR OF KENTUCKY

Page 3, line 7, strike “or”.

Page 3, line 8, strike “otherwise”.

Page 5, strike lines 12 through 16 and insert the following:

1 “(i) the President has declared with
2 respect to any national emergency regard-
3 ing international drug trafficking; and”

Page 6, line 11, after “subsection (a)” insert “pursuant to a covered national emergency (as defined in section 203)”.



Mr. BARR. Thank you, Mr. Chairman. And again this amendment will add additional clarity to my bill ensuring that it is targeted to any national emergency regarding international drug trafficking. This amendment is a result of bipartisan negotiations in an attempt to make the underlying bill bipartisan and it is my hope that my colleagues on both sides of the aisle will support this amendment and the underlying legislation. I yield back.

Chairman MCCAUL. The gentleman yields back.

Any other members seek recognition?

Let me say I support this amendment. Mr. Meeks is recognized.

Mr. MEEKS. I am just reviewing this amendment and this amendment seems to be moving in the right direction. I just wish that we could get some more of this and that we could agree, but I would agree that this amendment looks like it is moving, Mr. Barr, in the right direction. I yield back.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

There being no further discussion, the question now occurs on the amendment offered by Representative Barr, No. 27.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair the ayes have it; the amendment is agreed to.

Are there any further amendments?

Mr. Perry is recognized.

Mr. PERRY. Mr. Chairman, I have got an amendment at the desk, No. 136.

Chairman MCCAUL. Clerk shall distribute the amendment.

Mr. PERRY. Of course I am doing this just for the ranking member. I do not want him to get soft down there and get comfortable.

Chairman MCCAUL. The clerk shall report the amendment.

The CLERK. Amendment to H.R. 3203 offered by Mr. Perry of Pennsylvania. Page 3—

Chairman MCCAUL. Without objection, further reading of the amendment is dispensed with. The gentleman is recognized for 5 minutes.

[The Amendment No. 136 of Mr. Perry follows:]

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AMENDMENT TO H.R. 3203
OFFERED BY MR. PERRY OF PENNSYLVANIA

Page 3, line 21, after “traffickers” insert the following: “or whether government officials of any other foreign country are foreign opioid traffickers”.



Mr. PERRY. Thank you, Mr. Chairman. This amendment simply ensures that this legislation would not simply and only apply to those in the Chinese government, but any government official of any other foreign country or foreign opioid traffickers. This is especially important considering the corruption around the world especially involving the trade of illegal narcotics. It is important that if any member of a foreign government is involved in trading of fentanyl that they are also treated in the same manner, especially with regard to Mexico. We need to ensure that we retain the same sanction-ability to their officials as well.

This is crucial for our ability to stop the fentanyl trade in Mexico. If there are corrupt officials there, we need to be able to stop them using the same sanctions enforcement. With the history of corruption in Mexico it is crucial that we have the proper avenues to stop it. We have already discovered 10,000 pounds of fentanyl in the last year coming across the southern border. If government officials are involved, we need to ensure that we have the ability to sanction them as well, especially considering how much money we spend purportedly helping Mexico fight the war on drugs.

This expansion is also important because it gives us the avenue to address this issue with other foreign countries should the need arise.

Now I spoke to the maker of this bill and I understand his intent. His intent is to focus on China. And while some on this committee are concerned about—well, we do not want to imperil our relationships with our neighbors to the south and we do not want to imperil our relationships with the people in China. We have to be careful.

Look, I do not get what they do not get. China is not like—they didn't mix some batch of something up at the pharmaceutical plant and say, oh, we screwed this up. I do not know what it is. We will just send it to Mexico and they will sell it to somebody in America. They are making it because they want to. It is by design. It is their program. It is intentional. They are killing Americans intentionally. If you do not get that, you probably belong in a different line of work. And I am not sure what that line of work would be, but it isn't this one.

So I get that my colleague wants to focus on China. And my wish for this committee is that we had time to consider fully the depth of this issue, the scourge that it is placing on our citizens so that my colleague could have his well-founded and well-thought-out bill and that he and I, or maybe he and the ranking member could collaborate on a bill which would include Mexico, which is allowing this stuff, and I would say abetting and aiding it coming across our border.

So we could do that as well and we could punish those people involved as well, because this is yet not enough. This is a good effort on the part of Mr. Barr because this is exactly what China is doing. And we need to recognize, not only recognize, but acknowledge that this is happening and damn well do something about it. Do something about it other than just talk. And if the relationship is strained, oh, my. Oh, my. I am so sorry.

Ma'am, if you could speak at this mic I imagine you would talk about the relationship, any of you ladies down there, that you cur-

rently have with your children because you do not have a relationship do you, because they are not here anymore. We are so worried about their relationship. I remind everybody on this committee again we are representatives of the United States of America, not the People's Republic of China, and certainly not Mexico.

With all that rhetoric I respect the gentleman from Kentucky. I respect his efforts. And I would ask the chairman of this committee to reconvene this effort regarding fentanyl and do more and have this just be the beginning and offer a bill we can sanction not only those involved from China, but from Mexico and anywhere else that thinks they can do this to our American citizens. Let's stand up for our American citizens. And with that I wish to withdraw the amendment, Mr. Chairman.

Chairman MCCAUL. The gentleman withdraws his amendment, and we appreciate that.

I will say I agree with the gentleman that we—this is not the end of this discussion at all. This is just the beginning of this discussion and I welcome further hearings on this very important issue.

Mr. BARR. Would the gentleman yield?

Chairman MCCAUL. Mr. Barr is recognized.

Mr. BARR. I thank the chairman for yielding. And I want to also thank my good friend from Pennsylvania Mr. Perry for recognizing what is going on here. His amendment makes an important point and I appreciate him withdrawing the amendment.

The point is how maligned the Chinese Communist Party is behaving here. What happened was that in 2017 China-sourced fentanyl by weight accounted for 165 kilograms of the total 171 kilograms seized from the international mail. And this practice began to shift in 2019 when the Trump Administration pressured the CCP to reclassify and control all forms of fentanyl which resulted initially in modest reductions of seizures of fentanyl flowing from China into the United States.

But while the CCP implemented controls on fentanyl in its final form it did not place similar controls on the synthetic precursor chemicals used to produce fentanyl. And so what has happened is that since 2019 Chinese manufacturers and traffickers have adapted their strategies and business models to primarily produce the precursor chemicals and then have outsourced the final production to cartel laboratories in Mexico.

What my good friend Mr. Perry from Pennsylvania is pointing out with his friendly amendment here is that we need to go after these cartel laboratories in Mexico as well. There is a lot of malign actors here.

The point of my bill though is to shine a focus and a light on the original sin here, which is what is going on with the Chinese Communist Party, that these laboratories that the—they are instruments of the Chinese Communist Party, these cartels are, and they have modified and they have changed their behavior to try to circumvent our efforts and the previous Administration's efforts to block this malign activity from the CCP.

So yes, we need to get at the cartels in Mexico and these illegal laboratories down there, which are the final manufacturers, but what our bill—what my bill does is it says we cannot wait around

for China to act like our good neighbors, because they are not. They are not. And we need hard sanctions on the originators of the precursors of fentanyl in the People's Republic of China.

Stop the wishful thinking. They are not our friends here. If we are just soft on China, they are not going to change their behavior. We have tried and they will not change. We have got to tough. That is why we have this bill. That is why I appreciate bipartisan support and I encourage all members of this committee to defend our people from these poisons that are originating from Communist China. And I yield back.

Chairman MCCAUL. The gentleman yields back.

Are there any further amendments?

There being no further amendments, I now move that the committee report H.R. 3203 as amended to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

Mr. MEEKS. Ask for a roll call vote.

Chairman MCCAUL. Roll call vote has been requested. Pursuant to the chair's previous announcement this vote will be postponed.

I have been advised that two votes have been called on the House floor. As such, the committee will stand in recess and will convene after the votes.

[Recess.]

Chairman MCCAUL. Pursuant to notice I now call up H.R. 3202.

[The Bill H.R. 3202 follows:]



I

118TH CONGRESS
1ST SESSION

H. R. 3202

To prohibit any official action to recognize or normalize relations with any Government of Syria that is led by Bashar al-Assad, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2023

Mr. WILSON of South Carolina (for himself, Mr. VICENTE GONZALEZ of Texas, Mr. McCAUL, Mr. HILL, Mr. BOYLE of Pennsylvania, Mrs. RADEWAGEN, Mr. COHEN, and Mr. GIMENEZ) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, 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 prohibit any official action to recognize or normalize relations with any Government of Syria that is led by Bashar al-Assad, 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.

4 This Act may be cited as the “Assad Regime Anti-
5 Normalization Act of 2023”.

1 **SEC. 2. MODIFICATIONS TO THE CAESAR SYRIA CIVILIAN**
2 **PROTECTION ACT.**

3 (a) CAESAR SYRIA CIVILIAN PROTECTION ACT.—
4 Section 7412 of the Caesar Syria Civilian Protection Act
5 of 2019 (title LXXIV of the National Defense Authoriza-
6 tion Act for Fiscal Year 2020; 22 U.S.C. 8791 note) is
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by striking “with re-
10 spect to a foreign person if the President deter-
11 mines that the foreign person, on or after such
12 date of enactment, knowingly engages in an ac-
13 tivity described in paragraph (2).” and insert-
14 ing “with respect to a foreign person that the
15 President determines—

16 “(A) knowingly engages, on or after such
17 date of enactment, in an activity described in
18 paragraph (2);

19 “(B) is an adult family member of a for-
20 eign person described in subparagraph (A); or

21 “(C) is owned or controlled by a foreign
22 person described in subparagraph (A) or (B).”;

23 (B) in paragraph (2)—

24 (i) in subparagraph (A)—

25 (I) by amending clause (i) to
26 read as follows:

1 “(i) the Government of Syria (includ-
2 ing any entity owned or controlled by the
3 Government of Syria), a senior political
4 figure of the Government of Syria, a mem-
5 ber of the People’s Assembly of Syria, or
6 a senior foreign political figure (as such
7 term is defined in section 101.605 of title
8 31, Code of Federal Regulations) of the
9 Arab Socialist Ba’ath Party of Syria, in-
10 cluding any such senior foreign political
11 figure who is—

12 “(I) a member of the Central
13 Command, Central Committee, or Au-
14 diting and Inspection Committee of
15 such Party; or

16 “(II) a leader of a local branch of
17 such Party;”;

18 (II) in clause (ii), by striking “;
19 or” and inserting a semicolon;

20 (III) in clause (iii), by striking
21 the semicolon and inserting “; or”;
22 and

23 (IV) by adding at the end the fol-
24 lowing new clause:

1 “(iv) Syria Arab Airlines, Cham
2 Wings, or any foreign person owned or
3 controlled by Syria Arab Airlines or Cham
4 Wings;”;

5 (ii) by amending subparagraph (C) to
6 read as follows:

7 “(C) knowingly sells or provides aircraft or
8 spare aircraft parts—

9 “(i) to the Government of Syria; or

10 “(ii) for or on behalf of the Govern-
11 ment of Syria to any foreign person oper-
12 ating in an area directly or indirectly con-
13 trolled by the Government of Syria or for-
14 eign forces associated with the Government
15 of Syria;”;

16 (iii) in subparagraph (D), by striking
17 “; or” and inserting a semicolon;

18 (iv) in subparagraph (E)—

19 (I) by striking “construction or
20 engineering services” and inserting
21 “financial, construction, or engineer-
22 ing services”; and

23 (II) by striking the closing period
24 and inserting a semicolon; and

1 (v) by adding at the end the following
2 new subparagraphs:

3 “(F) knowingly engages in or directs—

4 “(i) the diversion of goods (including
5 agricultural commodities, food, medicine,
6 and medical devices), or any international
7 humanitarian assistance, intended for the
8 people of Syria; or

9 “(ii) the dealing in proceeds from the
10 sale or resale of such diverted goods or
11 international humanitarian assistance, as
12 the case may be;

13 “(G) knowingly, directly or indirectly, en-
14 gages in or attempts to engage in, the seizure,
15 confiscation, theft, or expropriation for personal
16 gain or political purposes of property, including
17 real property, in Syria or owned by a citizen of
18 Syria;

19 “(H) knowingly, directly or indirectly, en-
20 gages in or attempts to engage in a transaction
21 or transactions for or with such seized, con-
22 fiscated, stolen, or expropriated property de-
23 scribed in subparagraph (G); or

24 “(I) knowingly provides significant finan-
25 cial, material, or technological support to a for-

1 eign person engaging in an activity described in
2 any of subparagraphs (A) through (H).”; and
3 (C) by adding at the end the following new
4 paragraphs:

5 “(4) TRANSACTION DEFINED.—For purposes of
6 the determination required by subparagraph
7 (a)(2)(A), the term ‘transaction’ includes in-kind
8 transactions.

9 “(5) SIGNIFICANT TRANSACTION CLARIFIED.—
10 In this section, the term ‘significant transaction’ in-
11 cludes any natural gas, electricity, or other energy-
12 related transaction, without regard to whether such
13 transaction was authorized by a license or regulation
14 issued prior the date of the enactment of this para-
15 graph pursuant to section 203 of the International
16 Emergency Economic Powers Act (50 U.S.C.
17 1702).”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(c) CONGRESSIONAL REQUESTS.—Not later than 30
21 days after receiving a request from the chairman and
22 ranking member of one of the appropriate congressional
23 committees with respect to whether a foreign person know-
24 ingly engages in an activity described in subsection (a)(2)
25 the President shall—

1 “(1) make the determination specified in sub-
2 section (a)(1) with respect to that foreign person;
3 and

4 “(2) submit to such chairman and ranking
5 member that submitted the request a report with re-
6 spect to such determination that includes a state-
7 ment of whether the President has imposed or in-
8 tends to impose the sanctions described in sub-
9 section (b) with respect to that foreign person.”.

10 (b) REMOVAL OF EXCEPTION RELATING TO IMPOR-
11 TATION OF GOODS.—The Caesar Syria Civilian Protection
12 Act of 2019, as amended by subsection (a), is further
13 amended—

14 (1) by striking section 7434; and

15 (2) by redesignating sections 7435 through
16 7438 as sections 7434 through 7437, respectively.

17 (c) DETERMINATION WITH RESPECT TO SYRIA
18 TRUST FOR DEVELOPMENT.—

19 (1) DETERMINATION.—Not later than 120 days
20 after the enactment of this Act, the President
21 shall—

22 (A) determine whether the nonprofit orga-
23 nization chaired by Asma Al-Assad, the First
24 Lady of Syria, known as the “Syria Trust for
25 Development” meets the criteria for the imposi-

1 tion of sanctions under section 7412(a) of the
2 Caesar Syria Civilian Protection Act of 2019,
3 as amended by subsection (a); and

4 (B) submit to the appropriate congressional
5 committees such determination, including
6 a justification for the determination.

7 (2) FORM.—The determination under paragraph
8 (1)(B) shall be submitted in unclassified form,
9 but the justification specified in such paragraph may
10 be included in a classified annex. The unclassified
11 determination shall be made available on a publicly
12 available website of the Federal government.

13 (3) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES DEFINED.—In this section, the term “appropriate
15 congressional committees” means—

16 (A) the Committee on Armed Services, the
17 Committee on Foreign Affairs, and the Committee
18 on Financial Services of the House of
19 Representatives; and

20 (B) the Committee on Armed Services, the
21 Committee on Foreign Relations and the Committee
22 on Banking, Housing, and Urban Affairs
23 of the Senate.

1 (d) FINDINGS ON APPLICABILITY WITH RESPECT TO
2 SYRIAN ARAB AIRLINES, CHAM WINGS AIRLINES, AND
3 RELATED ENTITIES.—Congress finds the following:

4 (1) In 2013, the President identified Syrian
5 Arab Airlines as a blocked instrumentality or con-
6 trolled entity of the Government of Syria and con-
7 currently sanctioned Syrian Arab Airlines pursuant
8 to Executive Order 13224 for acting for or on behalf
9 of the Islamic Revolutionary Guard Corps-Qods
10 Force of Iran.

11 (2) In 2016, the President sanctioned Syria-
12 based Cham Wings Airlines pursuant to Executive
13 Order 13582 for having materially assisted, spon-
14 sored, or provided financial, material, or techno-
15 logical support for, or goods or services in support
16 of, the Government of Syria and Syrian Arab Air-
17 lines.

18 (3) Section 7412(a)(2)(A)(iii) of the Caesar
19 Syria Civilian Protection Act of 2019 (22 U.S.C.
20 8791 note) mandates the application of sanctions
21 against any foreign person that “knowingly provides
22 significant financial, material, or technological sup-
23 port to, or knowingly engages in a significant trans-
24 action with . . . a foreign person subject to sanc-
25 tions pursuant to the International Emergency Eco-

1 nomic Powers Act (50 U.S.C. 1701 et seq.) with re-
2 spect to Syria or any other provision of law that im-
3 poses sanctions with respect to Syria,” which ap-
4 plies to airport service providers outside of Syria.

5 (e) SEVERABILITY.—If any provision of this Act, or
6 the application of such provision to any person or cir-
7 cumstance, is found to be unconstitutional, the remainder
8 of this Act, or the application of that provision to other
9 persons or circumstances, shall not be affected.

10 **SEC. 3. PROHIBITION OF RECOGNITION OF ASSAD REGIME.**

11 (a) STATEMENT OF POLICY.—It is the policy of the
12 United States—

13 (1) not to recognize or normalize relations with
14 any Government of Syria that is led by Bashar al-
15 Assad due to the Assad regime’s ongoing crimes
16 against the Syrian people, including failure to meet
17 the criteria outlined in section 7431(a) of the Caesar
18 Syria Civilian Protection Act of 2019;

19 (2) to actively oppose recognition or normaliza-
20 tion of relations by other governments with any Gov-
21 ernment of Syria that is led by Bashar Al-Assad, in-
22 cluding by fully implementing the mandatory pri-
23 mary and secondary sanctions in the Caesar Syria
24 Civilian Protection Act of 2019 and Executive Order
25 13894; and

1 (3) to use the full range of authorities, includ-
2 ing those provided under the Caesar Syria Civilian
3 Protection Act of 2019 and Executive Order 13894,
4 to deter reconstruction activities in areas under the
5 control of Bashar al-Assad.

6 (b) PROHIBITION.—In accordance with subsection
7 (a), no Federal official or employee may take any action,
8 and no Federal funds may be made available, to recognize
9 or otherwise imply, in any manner, United States recogni-
10 tion of Bashar al-Assad or any Government in Syria that
11 is led by Bashar al-Assad.

12 **SEC. 4. INTERAGENCY STRATEGY TO COUNTER NORMAL-**
13 **IZATION WITH ASSAD REGIME.**

14 (a) REPORT AND STRATEGY REQUIRED.—

15 (1) SUBMISSION.—Not later than 180 days
16 after the date of the enactment of this Act, and an-
17 nually thereafter for a period not to exceed 5 years,
18 the Secretary of State (in consultation with the Sec-
19 retary of the Treasury, the Administrator of the
20 Drug Enforcement Administration, and the heads of
21 other appropriate Federal departments and agen-
22 cies) shall submit to the appropriate congressional
23 committees a report and strategy to describe and
24 counter actions taken or planned by foreign govern-
25 ments to normalize, engage with, or upgrade polit-

1 ical, diplomatic, or economic ties with the regime led
2 by Bashar al-Assad in Syria (in this section referred
3 to as the “Assad regime”).

4 (2) ELEMENTS.—The elements of the report
5 under paragraph (1) shall include—

6 (A) a description of violations of inter-
7 national law and human rights abuses com-
8 mitted by Bashar al-Assad, the Government of
9 the Russian Federation, or the Government of
10 Iran and progress towards justice and account-
11 ability for the Syrian people;

12 (B) a full list of diplomatic meetings at the
13 Ambassador level or above, between the Syrian
14 regime and any representative of the Govern-
15 ments of Turkey, the United Arab Emirates,
16 Egypt, Jordan, Iraq, Oman, Bahrain, Kuwait,
17 the Kingdom of Saudi Arabia, Tunisia, Algeria,
18 Morocco, Libya, or Lebanon, respectively;

19 (C) a full list of transactions, including in-
20 vestments, grants, contracts, or donations (in-
21 cluding loans or other extension of credit), ex-
22 ceeding \$50,000 in areas of Syria held by the
23 Assad regime by any persons from Turkey, the
24 United Arab Emirates, Egypt, Jordan, Iraq,
25 Oman, Bahrain, Kuwait, the Kingdom of Saudi

1 Arabia, Tunisia, Algeria, Morocco, Libya, or
2 Lebanon;

3 (D) for each item on the list identified in
4 subparagraph (C), a determination of whether
5 such transaction subjects any of the parties to
6 the transaction to sanctions under the Caesar
7 Syria Civilian Protection Act of 2019, as
8 amended by section 2;

9 (E) a description of the steps the United
10 States is taking to actively deter recognition or
11 normalization of relations by other governments
12 with the Assad regime, including specific diplo-
13 matic engagements and use of economic sanc-
14 tions authorized by statutes or implemented
15 through Executive Orders, including—

16 (i) the Caesar Syria Civilian Protec-
17 tion Act of 2019 (22 U.S.C. 8791 note);

18 (ii) the Syria Accountability and Leb-
19 anese Sovereignty Restoration Act (22
20 U.S.C. 2151 note);

21 (iii) the Comprehensive Iran Sanc-
22 tions, Accountability, and Divestment Act
23 of 2010 (22 U.S.C. 8501 et seq.);

24 (iv) Executive Order 13894 (84 Fed.
25 Reg. 55851; relating to blocking property

1 and suspending entry of certain persons
2 contributing to the situation in Syria);

3 (v) the Global Magnitsky Human
4 Rights Accountability Act (22 U.S.C.
5 10101 et seq.);

6 (vi) the Countering American Adver-
7 saries through Sanctions Act (22 U.S.C.
8 9401 et seq.); and

9 (vii) the Foreign Narcotics Kingpin
10 Designation Act; and

11 (F) an assessment of how recognition or
12 normalization of relations by other governments
13 with the Assad regime impacts the national se-
14 curity of the United States, prospects for imple-
15 mentation of the United Nations Security
16 Council Resolution 2254, prospects for justice
17 and accountability for war crimes in Syria, and
18 the benefits derived by the Government of the
19 Russian Federation or the Government of Iran.

20 (b) SCOPE.—The initial report required by subsection
21 (a) shall address the period beginning on January 1, 2021,
22 and ending on the date of the enactment of this Act, and
23 each subsequent report shall address the one-year period
24 following the conclusion of the scope of the prior report.

1 (c) FORM.—Each report under subsection (a) shall
2 be submitted in an unclassified form, but may contain a
3 classified annex. The unclassified section of such a report
4 shall be made publicly available on a website of the United
5 States Federal Government.

6 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
7 In this section, the term “appropriate congressional com-
8 mittees” means—

9 (1) the Committee on Foreign Affairs, the
10 Committee on the Judiciary, the Committee on Fi-
11 nancial Services, the Committee on Appropriations,
12 and the Permanent Select Committee on Intelligence
13 of the House of Representatives; and

14 (2) the Committee on Foreign Relations, the
15 Committee on the Judiciary, the Committee on
16 Banking, Housing, and Urban Affairs, the Com-
17 mittee on Appropriations, and the Select Committee
18 on Intelligence of the Senate.

19 **SEC. 5. REPORTS ON MANIPULATION OF UNITED NATIONS**
20 **BY ASSAD REGIME IN SYRIA.**

21 Not later than 180 days after the date of the enact-
22 ment of this Act, and annually thereafter for a period not
23 to exceed 5 years, the Secretary of State, shall submit to
24 the Committee on Foreign Affairs of the House of Rep-
25 resentatives and the Committee on Foreign Relations of

1 the Senate a report on the manipulation of the United
2 Nations by the regime led by Bashar al-Assad in Syria
3 (in this section referred to as the “Assad regime”), includ-
4 ing—

5 (1) a description of conditions, both explicit and
6 implicit, set by the Assad regime with respect to
7 United Nations operations in Syria including with
8 respect to implementing partners, hiring practices,
9 allocation of grants and contracts, and procurement
10 of goods and services;

11 (2) a description of the extent to which the
12 United Nations has rejected or otherwise opposed
13 any of the conditions described in paragraph (1);

14 (3) an identification of officials or employees of
15 the United Nations (including funds, programs and
16 specialized agencies of the United Nations) with ties
17 to the Assad regime, including family ties, or per-
18 sons designated for sanctions by United Nations
19 donor countries;

20 (4) a full account of access restrictions imposed
21 by the Assad regime and the overall impact on the
22 ability of the United Nations to deliver international
23 assistance to target beneficiaries in areas outside re-
24 gime control;

1 (5) a description of ways in which United Na-
2 tions aid improperly benefits the Assad regime and
3 its associates in defiance of basic humanitarian prin-
4 ciples;

5 (6) a description of the due diligence mecha-
6 nisms and vetting procedures in place to ensure enti-
7 ties contracted by the United Nations to ensure
8 goods, supplies, or services provided Syria do not
9 have links to the Assad regime, known human rights
10 abusers, or persons designated for sanctions by
11 United Nations donor countries;

12 (7) an identification of entities affiliated with
13 the Assad regime, including the Syria Trust for De-
14 velopment and the Syrian Arab Red Crescent, for-
15 eign government ministries, and private corporations
16 owned or controlled directly or indirectly by the
17 Assad regime, that have received United Nations
18 funding, contracts, or grants or have otherwise en-
19 tered into a formalized partnership with the United
20 Nations;

21 (8) an assessment of how the Assad regime sets
22 arbitrary or punitive exchange rates to extract fund-
23 ing from the United Nations, as well as the total
24 amount extracted by such means;

- 1 (9) an assessment of the degree to which the
2 various forms of manipulation described in this sec-
3 tion has resulted in compromises of the humani-
4 tarian principles of humanity, neutrality, impar-
5 tiality, and independence of the United Nations; and
6 (10) a strategy to reduce the ability of the
7 Assad regime to manipulate or otherwise influence
8 the United Nations and other aid operations in
9 Syria and ensure United States and international
10 aid is delivered in a neutral and impartial manner
11 consistent with basic humanitarian principles.

○

Chairman McCAUL. The committee will come to order.

The Assad Regime Anti-Normalization Act of 2023. The bill was circulated in advance.

The Clerk shall designate the bill.

The CLERK. H.R. 3202, to prohibit any official action to recognize or normalize relations with any government of Syria that is led by Bashar al-Assad.

Chairman McCAUL. Without objection, first reading of the bill is dispensed with. The bill is considered read and open to amendments at any point.

Is there any discussion on the bill?

Mr. DAVIDSON. Mr. Chairman, I have a parliamentary inquiry.

Chairman McCAUL. The gentleman is recognized.

Mr. DAVIDSON. Is it in order to consider a bill that hasn't been noticed at a hearing? Is it in order to consider a bill for markup that has never been noticed for a hearing?

It was only introduced last week. It isn't even available on Congress.gov as of this hearing. Is that in order?

Chairman McCAUL. The subcommittee had a hearing on this issue and the bill was noticed previously.

Mr. DAVIDSON. The bill was only introduced last week and the text isn't even available on Congress.gov.

Chairman McCAUL. It has actually been circulated in advance and it is on our website.

But your point is well taken.

Mr. DAVIDSON. I move that the bill be withdrawn in accordance with the rules because it does not conform to the rules.

The chairman has asked that Republican members not offer amendments to Republican bills. And when Republican bills aren't even available to be noticed for hearings, we cannot even have a discussion about the bill.

Chairman McCAUL. Our subcommittee had a hearing on this.

Mr. DAVIDSON. But they couldn't have had a hearing on the bill because the bill just got dropped.

Chairman McCAUL. There was a hearing on the subject matter. The bill was introduced and has been noticed.

The chair recognizes Mr. Wilson.

Mr. DAVIDSON. I ask the chairman to make a ruling as to whether the bill is considered in order.

Chairman McCAUL. I rule that it is in order and complies with committee rules.

Mr. Wilson is recognized.

Mr. WILSON. Thank you very much, Chairman Mike McCaul and Ranking Member Greg Meeks.

I am grateful to support several of these bipartisan measures before us today. And I am particularly grateful for the inclusion of the bipartisan Assad Regime Anti-Normalization Act of 2023 which is H.R. 3202.

For 12 years the Assad Regime has been backed by war criminal Putin and the regime in Tehran, and has committed unthinkable atrocities of using chemical weapons against the Syrian people following pro-democratic and peaceful protests. Assad's forces have engaged in mass torture and murder of civilians, including chil-

dren. Over 500,000 people have been brutally murdered by this regime, and counting.

Sadly, incredibly, over half of the population of Syria, 14 million people, have been displaced or have fled as refugees to Turkiye, to Egypt, and to Jordan. And it is really inspiring that these countries, Turkiye, and Egypt, and Jordan have welcomed millions of refugees from their country to protect them from the Assad Regime. We should always recognize how courageous they are to provide for the people of Syria.

As chairman of the Middle, North Africa, Central Asia Subcommittee I held a hearing with the man known as Gravedigger as a witness so that he could be unidentified. He testified about his experience of going from a local civil servant to being forced to dispose of hundreds of bodies in mass graves daily, including a young woman who clearly had been tortured, her infant child clinging to her lifeless body.

Recently, with the readmission of Bashar al-Assad into the Arab League we have witnessed, sadly, signals of normalization with war criminal Putin and Assad. We cherish our relationship with our allies against the deadly narcotic drug that is being provided, Captagon, pouring into their countries.

However, the normalization with an unrepentant dictator and kleptocrat who continues bombing the earthquake-devastated areas of Syria does not represent a viable path forward.

Additionally, Bashar al-Assad has a symbiotic network of support from the regime in Tehran and war criminal Putin to continue supporting terrorism in the region and Putin's war in Ukraine, against Ukraine. This bill significantly strengthens existing sanctions on those who support Assad and imposes real penalties to those considering normalizing with this brutal regime.

This bill's inclusion in today's markup represents the tireless efforts of the Syrian American community. I have had the opportunity to meet with the courageous Syrian Americans who have suffered tremendously under this regime, their entire communities and livelihoods destroyed. They feel that they have been forgotten.

But our message is clear: it is bipartisan that they are not forgotten.

We are particularly appreciative of the patriotic Syrian Americans who are with us in the audience today representing a number of organizations of the American Coalition for Syria.

And with that, I yield back.

Chairman McCAUL. The gentleman yields back.

Any further discussion on the bill?

Mr. French is recognized, French Hill.

Mr. HILL. Mr. Chairman, thank you.

I want to say that I am an original cosponsor of the Assad Regime Anti-Normalization Act.

And I want to thank my friend, the chairman of the Middle East Subcommittee Joe Wilson, for his hearing that he had recently where it took eyewitness testimony as to the atrocities conducted by Bashar al-Assad and his gang in Damascus. I want to appreciate his steady hand at overseeing what has happened in the past 12 years in Syria, communicating to the American people what has

been the result of Assad's brutal promise to his own citizens in 2011, 2012 when he said, "Assad or burn the country."

And he has certainly burned the country and will, I hope, pay the price through the U.N. mechanism for war crimes for what has been taken there. And I hope that the American people understand that his co-conspirators include Iran and Russia in propping up this regime.

And in no way should the Arab nations seek to normalize relations with Assad. It is a huge mistake. It is a diplomatic mistake.

And they clearly never learned President Reagan's admonition of "trust but verify" because they have invited Assad to the Arab League meeting, and now to COP, the next COP meeting, with no preconditions, Mr. Chairman. There are no preconditions. And so, this mass murderer who has disrupted the entire Middle East region, put Lebanon at risk, been a partner with Iran, the arch enemy of the Gulf States, is paying no price and has committed to no concrete change as to the conduct of his operation.

Then, to put salt in the wound, Mr. Chairman, Assad, his relatives, the army, are poisoning the Gulf by exporting Captagon drug, billions of dollars worth across the Gulf and to Europe. So, in addition to being a mass murderer he is a drug kingpin.

And this Congress has recognized that by the Caesar sanctions legislation and by attaching to the NDAA last December my Captagon Act directing the Secretary of State to craft a strategy to interdict and end Captagon and cutoff the funding to the Assad Regime.

And, yet, last week I was in Jordan, in Amman, and in Jerusalem, and in Cairo at the time this news was breaking, watching the reactions of our friends in the community relate to it, and in disbelief really, in disbelief that there was just a vesting of the Assad Regime back into the Arab League and pay no price: no end to Captagon, no end to taking Iranian money, no end to backing Iran in militias, no end to attacking Israel, no end to pardoning with Hezbollah.

And it is stunning to me that the Arabs, or I should say the Arab League member countries have considered that the reason for re-engagement is on Captagon, this exporting of poison.

So, I want to say I was grateful to the United Kingdom and the United States for imposing Caesar sanctions for the first time on March 28th. Secretary Blinken testified in this committee on the record that he had asked the Arab League nations not to recognize Assad. And that is in direct contrast with the actions of his State Department where his Assistant Secretary Barbara Leaf, Assistant Secretary of the Near East, was out there telling the world, well, if you negotiate with Assad, make sure you get something for it.

Well, guess what? They negotiated with him, giving him credibility, and they got nothing for it. Nothing.

So, it is sickening that we are essentially abandoning the rest of Syria to Assad's torture and murder. And that is why this bill is so important. That is why I support my friend Mr. Wilson for his efforts.

And I hope that as this bill is marked up and moves to the House floor we can remind our friends in the diplomatic community that the Congress, consistently over the last decade, stands with the

people of Syria, the millions of people outside Syria that want to go home to their villages; they want to have a representational government; they want to get their lives back; to remove the refugees from Jordan, the refugees from Lebanon, from Turkiye.

And I do not think these recent actions taken by the Arab League are remotely in the interests of the Syrian people, nor do I think they will cutoff Captagon. I am counting on leadership from the United States and our partners in the region to do that.

I thank my friend from South Carolina. And I yield back the balance of my time.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

Mr. Meeks is recognized.

Mr. MEEKS. Thank you, Mr. Chairman.

I cannot help but note as we sit here today that it has been over 12 years since the Syrian people first rose up for their basic rights, and then endured brutal assaults by Assad's Russian and Iranian backed military year after year.

The Assad Regime has unceasingly perpetuated its campaign of violence against the Syrian people, committing what has amounted to countless of war crimes, and the most egregious violations of international humanitarian law.

As we consider these measures today, the war has resulted to over 600,000 Syrians killed, and more than 8 million displaced. Hospitals, schools, and neighborhoods are still regularly targeted as hundreds of thousands of Syrians face bleak prospects for their future.

It is in this context we consider this bill which responds to moves by some governments to look past these crimes and heinous atrocities and readmit the Assad Regime into the international institutions.

The Biden Administration has opposed efforts to reengage with the Assad Regime with commercial deals and economic benefits. I stand with the Administration and those who believe Assad must be held accountable, which is why I partnered with you, Mr. Chairman, earlier this month and publicly condemned efforts by some States to welcome Assad back into the Arab League.

As we condemn such actions, I continue to stand with the Syrian people resisting Assad's oppression, its torture apparatus. Simultaneously, I support the Biden Administration's efforts to provide the Syrian people with humanitarian assistance as they recover from multiple devastating earthquakes, while also withstanding continued assaults from Assad's air force.

It is in that spirit I will support this bill for the purposes of this markup. The legislation will discourage other States from overlooking Assad's crimes against humanity and make it United States policy not to recognize an Assad-led Syrian Government.

And importantly, this bill also expands targeted sanction authorities against the Assad Regime's efforts to exploit existing sanctions while preserving our important humanitarian exemptions and provisions.

However, I am still concerned about the second order consequences of certain sanctions on legitimate humanitarian assist-

ance efforts, and look forward to ensuring sound implementation so that those most in need of aid can receive it.

Finally, this bill also requires greater scrutiny on, and policy attention toward the mechanisms by which the Assad Regime launders and manipulates international aid for its own ends at the expense of the Syrian people.

So, again, I appreciate my friend from South Carolina, Representative Wilson, and Chairman McCaul's work on this bill. And I yield back the balance of my time.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

Mr. Davidson is recognized.

Mr. DAVIDSON. I move to strike the last word.

I thank the chairman.

I think, frankly, our colleagues are working on an important subject. I find it, I think as everyone can tell, very frustrating to be moving bill text that, frankly, we have got a situation with the rules of the committee that makes this acceptable on this committee apparently, maybe on others. But I have had the good fortune to be involved in a committee for 6 years now that does things differently.

They start on time. They end on time. They hold people to 5 minutes when they are recognized for 5 minutes. And when they want to move a bill, the standard is that they notice it at a hearing, not the subject but the bill, the bill text itself.

And that is important so that we can have, you know, friendly amendments.

Frankly, the chairman considers any amendment not friendly if it is not done behind closed doors outside the hearing. And so, in an effort to defer to the chairman's practice, if not rules, I have offered no amendment to this bill. I will simply vote no.

And until we vote no on things that are done with bad process, I think we will continue to have less-than-adequate legislation, and we will continue to have either a system where the committee is dominated by people willing to completely be submissive and do whatever they are told, or people who simply say, you know, this is a joke. If you cannot even have input and collaboration on the committee, why would you want to be on the committee?

And I think that is the challenge we confront.

I hope that we convene as a group and come up with a better way to work together because there are important subjects that we can do. And many of them are truly bipartisan. And there is a chance to build consensus.

But when you cannot have the notice, even if you can offer an amendment, it is not like complete ignorance of this process that drives the system, it literally is power. Because the bill is designed to have no amendments. It is designed to have no collaboration because time is what is necessary to socialize the amendment.

So, you could offer it. But you do not have time to win over your colleagues and convince them of why the amendment would be important or necessary. You do not have hearings to discuss it where in you might raise points of order. And you do not even have time in the absence of the bill being noticed before it goes to markup to

socialize the things that you were supposed to have learned at the hearing.

So, the subject is incredibly important. The bill has a lot of things that I would be inclined to support, but several that I would like to amend. And we just saw earlier today how things are received when you offer an amendment. And as I say, just offering it is one thing, but the ability to pass it is another. And you cannot do that without time.

So, I hope we will consider how we run the show. In the absence of that, I will be voting no.

And I yield back.

Chairman McCAUL. The gentleman yields back.

Mr. Phillips is recognized.

Mr. PHILLIPS. Thank you, Chairman McCaul, and Ranking Member Meeks, and Mr. Wilson for bringing this measure before all of us today.

Last month, just last month under Chair Wilson's leadership the House Foreign Affairs Subcommittee on the Middle East, North Africa, and Central Asia held a hearing marking 12 years of unimaginable suffering, displacement, and conflict since the Syrian Revolution began.

Under the brutal leadership of Bashar al-Assad the Syrian Regime has ushered in over a decade of violence and human rights abuses but has not faced an iota of accountability for its murder of over a half a million people, or its torture and displacement of tens of thousands more.

Instead, instead Assad has continued his assault on Syrian civilians, all while enriching himself, including by diverting humanitarian aid and trafficking in narcotics. And instead of being punished, was recently rewarded for this heinous behavior by being readmitted into the Arab League.

Now, this terrible misstep demonstrates why the U.S. leadership is so important, now more than ever. And I am grateful that this committee has now come together in a bipartisan fashion to send a strong message that the United States will not recognize nor normalize with the Government of Syria while Assad is in power, and will actively oppose any attempts by other governments to do so.

This amendment strengthens the underlying legislation by ensuring the expanded Caesar sanctions authorities more effectively, targeting nefarious actors within and supporting the regime, and that legitimate humanitarian actors are not inadvertently impacted at the expense of desperately needed delivery of humanitarian assistance.

And while I remain concerned about provisions of the bill that take aim at regional energy independence, of which the current system only benefits Iran and its proxies, I am eager to continue working together on this legislation in creating clear, bipartisan, serious strategies that are realistic based on the United States' national security priorities, and rooted in a commitment to the Syrian people.

I want to close by thanking my dear friend and colleague Chair Wilson for authoring this amendment, and for his willingness to work with all of us on this issue in a bipartisan fashion.

With that, I urge my colleagues to support the measure. And I yield back.

Chairman MCCAUL. The gentleman yields back.

Any further discussion on the bill?

[No response.]

Chairman MCCAUL. There being no further discussion of the bill, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

Mr. Wilson is recognized.

Mr. WILSON. Thank you, Mr. Chairman. I have an amendment No. 1 at the desk.

[The Amendment No. 1 offered by Mr. Wilson follows:]

AMENDMENT TO H.R. 3202
OFFERED BY MR. WILSON OF SOUTH CAROLINA

In section 2(a)(1) of the bill, amend subparagraph
(A) to read as follows:

1 (A) in paragraph (1), by striking “the
2 President shall impose” and all that follows
3 through the end of the paragraph and inserting
4 “the President—”
5 “(A) shall impose the sanctions described
6 in subsection (b) with respect to a foreign per-
7 son that the President determines—
8 “(i) knowingly engages, on or after
9 such date of enactment, in an activity de-
10 scribed in paragraph (2);
11 “(ii) is an adult family member of a
12 foreign person described in clause (i), un-
13 less the President determines there is clear
14 and convincing evidence that such adult
15 family member has disassociated them-
16 selves from the foreign person described in
17 such clause and has no history of helping
18 such foreign person conceal assets; or

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1 “(iii) is owned or controlled by a for-
2 eign person described in clause (i) or (ii);
3 and
4 “(B) may impose the sanctions described
5 in subsection (b) with respect to a foreign per-
6 son that the President determines knowingly
7 provides, on or after such date of enactment,
8 significant financial, material, or technological
9 support to a foreign person engaging in an ac-
10 tivity described in any of subparagraphs (B)
11 through (H) of paragraph (2);”.

Page 4, beginning line 21, strike “financial” and all that follows through “services” on line 22 and insert “construction, engineering, or commercial financial services”.

Page 5, line 3, strike “knowingly” and insert “purposefully”.

Page 6, beginning line 1, strike “described in any of subparagraphs (A) through (H)” and insert “described in subparagraph (A)”.

In section 2(a)(1)(C) of the bill, in the matter proposed to be added as new paragraphs at the end of section 7412 of the Caesar Syria Civilian Protection Act of 2019 (22 U.S.C. 8791 note) insert after paragraph (4)

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the following new paragraph (and redesignate the subsequent paragraph accordingly):

1 “(5) ADDITIONAL DEFINITIONS.—In this sec-
2 tion:

3 “(A) COMMERCIAL FINANCIAL SERV-
4 ICES.—The term ‘commercial financial services’
5 means any transaction between the Government
6 of Syria and a foreign bank or foreign financial
7 institution operating in an area under the con-
8 trol of the Government of Syria that has a valu-
9 ation of more than \$5,000,000.

10 “(B) FINANCIAL INSTITUTION.—The term
11 ‘financial institution’ means a financial institu-
12 tion specified in any of subparagraphs (A)
13 through (K), (M), (N), (P), (R), (T), (Y), or
14 (Z) of section 5312(a)(2) of title 31, United
15 States Code.”.

Page 6, beginning line 12, strike “transaction,” and
all that follows through the closing period on line 17 and
insert “transaction.”.

Page 6, line 20, strike “30” and insert “120”.

Page 7, after line 16, insert the following new sub-
section (and redesignate the subsequent subsections ac-
cordingly):

1 (c) EXTENSION OF SUNSET.—Section 7437 of the
2 Caesar Syria Civilian Protection Act of 2019, as redesignated by subsection (b)(2), is amended by striking “the
3 date that is 5 years after the date of the enactment of
4 this Act” and inserting “December 31, 2032”.

Page 7, beginning line 17, strike “DETERMINATION”
and insert “DETERMINATIONS”.

Page 7, line 19, strike “DETERMINATION” and insert “DETERMINATIONS”.

Page 8, line 1, strike “sanctions under” and all that
follows through line 3 and insert “sanctions—”

6 (i) under section 7412(a) of the Caesar Syria Civilian Protection Act of 2019,
7 as amended by subsection (a);
8 (ii) under Executive Order 13894 (84 Fed. Reg. 55851; relating to blocking
9 property and suspending entry of certain
10 persons contributing to the situation in
11 Syria); or
12 (iii) by nature of being owned or controlled by a person designated under any
13 executive order or regulation administered
14 by the Office of Foreign Assets Control;
15 and
16
17
18

Page 8, line 5, insert “each” before “such”.

In section 4(a)(2) of the bill, amend subparagraph (C) to read as follows:

- 1 (C) a list including an identification of—
- 2 (i) any single covered transaction ex-
- 3 ceeding \$500,000; and
- 4 (ii) any combination of covered trans-
- 5 actions by the same source that, in aggre-
- 6 gate, exceed \$500,000 and occur within a
- 7 single year;

Page 13, beginning line 3, strike “each item on the list identified in subparagraph (C)” and insert “each identified single transaction or aggregate transactions, as the case may be, included in the list described in subparagraph (C)”.

Page 15, after line 18, insert the following new subsection:

- 8 (e) COVERED TRANSACTION DEFINED.—In this sec-
- 9 tion, the term “covered transaction” means a transaction,
- 10 including an investment, grant, contract, or donation (in-
- 11 cluding a loan or other extension of credit)—
- 12 (1) by a foreign person located in Turkey, the
- 13 United Arab Emirates, Egypt, Jordan, Iraq, Oman,

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1 Bahrain, Kuwait, the Kingdom of Saudi Arabia, Tu-
2 nisia, Algeria, Morocco, Libya, or Lebanon; to
3 (2) a recipient in any area of Syria held by the
4 Assad regime.



Chairman MCCAUL. The clerk shall distribute the amendment.

And the clerk shall report the amendment.

The CLERK. Amendment to H.R. 3202 offered by Mr. Wilson of South Carolina. In section 2(a)(1)——

Chairman MCCAUL. Without objection, further reading of the amendment is dispensed with.

The gentleman is recognized for 5 minutes on his amendment.

Mr. WILSON. Thank you, Mr. Chairman.

I am grateful to support this bipartisan amendment with Ranking Member Greg Meeks. This would further clarify a number of points in the underlying bill, including preserving the protections for humanitarian non-governmental organizations, and strengthens the bill by including determination on Bashar al-Assad's wife Asthma al-Assad's corrupted charity, which is directly involved in diverting assistance meant for the very deserving people of Syria.

It also extends the bipartisan Caesar Syrian Civilian Protection Act until 2032.

The latest text also prevents evasion of the original bill's \$50,000 reporting requirement for donations to Assad by making it a \$500,000 total per source per year. This assures that the corrupt sources that give to Assad through transactions just under the threshold are still accountable.

I truly appreciate the bipartisan spirit by which this agreement has been reached. And I am grateful to the Ranking Member Greg Meeks' input to strengthen the bill. And I appreciate so much the very significant work of the Ranking Member Dean Phillips who on April the 18th at the hearing it was very much discussed Assad, the bill was discussed, the text was discussed, it was circulated and, indeed, in accordance with our rules.

The bill that remains strong is based on this bipartisan bill and agreement as it reaches the floor. And it is important that we maintain such a strong bill to send a message of hope to the people of Syria.

With that, I yield back.

Chairman MCCAUL. The gentleman yields back.

Any other members seek recognition?

Mr. Meeks is recognized.

Mr. MEEKS. Thank you, Mr. Chairman.

You know, I just want to say that I support this amendment. And I want to thank the gentleman from South Carolina and you, Mr. Chairman, for working with this amendment with me. Again, it is a full bipartisan piece. And I appreciate working together. I believe that this makes the bill even stronger. And I continue to look forward as we look at what is going on around the world and try to make sure that we do things in a bipartisan way.

So, I just thank you, and I yield back.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

There being no further discussion, the question now occurs on the amendment offered by Representative Wilson.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the amendment is agreed to.

Are there any further amendments?

There being no further amendments, I now move that the committee report H.R. 3202, as amended, to the house with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table. Staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H.R. 3099, the Special Envoy for the Abraham Accords Act.

The bill was circulated in advance.

The clerk shall designate the bill.

[The Bill H.R. 3099 follows:]



I

118TH CONGRESS
1ST SESSION**H. R. 3099**

To establish in the Department of State the position of Special Envoy for the Abraham Accords, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2023

Mr. LAWLER (for himself and Mr. TORRES of New York) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To establish in the Department of State the position of Special Envoy for the Abraham Accords, 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.**

4 This Act may be cited as the “Special Envoy for the
5 Abraham Accords Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that the policy of the United States,
8 as enacted in section 104 of the Israel Relations Normal-
9 ization Act of 2022 (division Z of Public Law 117–103),
10 with respect to the Abraham Accords remains unchanged.

1 **SEC. 3. SPECIAL ENVOY FOR THE ABRAHAM ACCORDS.**

2 Title I of the State Department Basic Authorities Act
3 of 1956 (22 U.S.C. 2651a et seq.) is amended by adding
4 at the end the following new section:

5 **“SEC. 64. SPECIAL ENVOY FOR THE ABRAHAM ACCORDS.**

6 “(a) SPECIAL ENVOY FOR THE ABRAHAM AC-
7 CORDS.—There is established within the Department of
8 State a Special Envoy for the Abraham Accords (in this
9 section referred to as the ‘Special Envoy’), who shall serve
10 as the primary advisor to, and coordinate efforts across,
11 the United States Government relating to expanding and
12 strengthening the Abraham Accords. The Special Envoy
13 shall report directly to the Secretary of State and shall
14 hold the office at the pleasure of the President.

15 “(b) NOMINATION.—Pursuant to subsection (j)(1) of
16 section 1, the Special Envoy shall be appointed by the
17 President, by and with the advice and consent of the Sen-
18 ate, and may be appointed from among the officers and
19 employees of the Department except that such officer or
20 employee may not retain the position (or the responsibil-
21 ities associated with the position) held by such officer or
22 employee prior to such appointment simultaneously with
23 the position or responsibilities of the Special Envoy.

24 “(c) RANK AND STATUS OF AMBASSADOR.—The Spe-
25 cial Envoy shall have the rank and status of ambassador.

1 “(d) DUTIES.—The Special Envoy shall be respon-
2 sible for—

3 “(1) encouraging countries without diplomatic
4 relations with Israel to establish formal diplomatic,
5 economic, security, and people-to-people ties;

6 “(2) seeking to expand and strengthen existing
7 relationships between Israel and Muslim-majority
8 countries, including those outside the geographic
9 scope of the Near Eastern Affairs Bureau of the De-
10 partment of State, to ensure that all parties reap
11 tangible security and economic benefits for their citi-
12 zens;

13 “(3) building on existing efforts, including the
14 Negev Forum, to help foster enhanced cooperation
15 between Israel and Muslim-majority countries on
16 shared priorities including as relates to trade, agri-
17 culture, and water security;

18 “(4) providing diplomatic support for Israel’s
19 integration into cooperative efforts related to re-
20 gional security; and

21 “(5) coordinating lines of effort across the
22 United States Government, including the regional
23 and functional bureaus within the Department of
24 State, and conducting appropriate diplomatic en-
25 gagement with foreign governments, nongovern-

1 mental organizations, and other stakeholders deter-
2 mined appropriate by the Special Envoy in order to
3 expand and strengthen the Abraham Accords.

4 “(e) REPORT.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date of the confirmation of the first Special
7 Envoy appointed pursuant to this section, and annu-
8 ally thereafter, the Special Envoy shall submit to the
9 Committee on Foreign Affairs of the House of Rep-
10 resentatives and the Committee on Foreign Rela-
11 tions of the Senate a report describing all United
12 States efforts to expand the Abraham Accords, in-
13 cluding specific diplomatic engagements and status
14 of efforts with respect to specific countries.

15 “(2) FORM OF REPORT.—The report required
16 by paragraph (1) shall be submitted in unclassified
17 form but may contain a separate, classified annex.”.

○

The CLERK. H.R. 3099, a bill to establish in the Department of State the position of Special Envoy to the Abraham Accords.

Chairman MCCAUL. Without objection, the first reading of the bill is dispensed with and the bill is considered as read and open to amendment at any point.

Is there any discussion of the bill?

Mr. Lawler is recognized.

Mr. LAWLER. Thank you, Mr. Chairman.

I am thrilled that the committee is marking up my bill H.R. 3099 today. This vital piece of legislation, which has broad bipartisan support, and I want to thank my colleague and co-lead Ritchie Torres from the Bronx for working with me on this bill.

It would create the position of a special envoy for the Abraham Accords in the United States Department of State. The special envoy will be responsible for coordinating efforts across the U.S. Government to expand and strengthen the Abraham Accords.

The diplomatic impact of the Abraham Accords has been extensive, as relationships between Israel and Muslim majority countries have improved dramatically from where they once were. We have agreements with the UAE, Bahrain, Sudan, Morocco. And it is important that we expand upon it. That is why creating a special envoy position is critical. We must maintain this progress and keep on the path toward peace and prosperity in the Middle East.

Establishing a special envoy wholly devoted to this purpose will also demonstrate a clear U.S. commitment to cultivating the growth of the Abraham Accords. This shows our allies and every nation around the world how much we value normalized relations with Israel.

In addition to creating this position, H.R. 3099 requires a report to Congress describing all U.S. efforts to expand the Abraham Accords, including specific diplomatic engagements and the status of efforts with respect to specific countries. This report will keep both the special envoy and the U.S. Government in check, and ensure the Biden Administration, as well as future Administrations prioritize strengthening the Abraham Accords.

Passing H.R. 3099 is more than just an administrative action. It is a reformation of our commitment to supporting peaceful and productive bilateral relationships in the Middle East and, hopefully, far beyond the region.

I urge all of my colleagues on the House Foreign Affairs Committee to join me in supporting this critical legislation.

And I would note just 2 weeks ago I joined a bipartisan delegation trip to Israel with Speaker McCarthy for the 75th Anniversary. And the Speaker delivered remarks at the Knesset, only the second speaker in the history of the United States to do so. But we met with Prime Minister Netanyahu, President Herzog, and Speaker Ohana. And during the course of those conversations I brought up this legislation and the importance of the Abraham Accords.

And in all of our conversations they reaffirmed strong support for the Abraham Accords and the important role the United States of America has played and will continue to play in strengthening and expanding the Abraham Accords, and the need to continue to lead and bring countries like Saudi Arabia to the table.

And so, I believe this legislation is critical to advance not only our interests around the world but to continue to advance and strengthen our relationship with the State of Israel.

And so, again, Mr. Chairman, I ask for support from all of my colleagues on the committee to help pass this legislation and move it forward.

I yield back.

Chairman McCAUL. The gentleman yields back.

Let me just say I strongly support this bill. I want to congratulate the gentleman from New York for his strong work on this issue.

A special envoy is precisely what we need right now to raise the emphasis of these important accords. They were definitely a game changer for Israel's relationship with the Arab and Muslim majority countries in the region. I was proud to be at the White House for the signing ceremony.

It is a generational shift in the Middle East, and one that will promote peace and prosperity, which is what everybody wants.

And so, again, I want to thank the gentleman for introducing, bringing this bill to markup. And it is going to be of a profound impact on, hopefully, future peace and prosperity in the Middle East.

Is there any further discussion on the bill?

Mr. Meeks is recognized.

Mr. MEEKS. Thank you, Mr. Chairman.

I, too, strongly support this measure. And I would like to thank my fellow New Yorkers, Representative Lawler and Representative Torres, for introducing this legislation which would create a senior level special envoy dedicated to enhancing and expanding the Abraham Accords.

I have spoken in the past about my support for the accords, which I believe will have the potential to transform the security, diplomatic, and economic environment in the Middle East, and advance United States' interests. These agreements are already showing promise and deserve the attention of this committee and Congress.

I also believe it is advantageous for the State Department to have an official in place focused on managing and implementing a regional strategy for peace, and encouraging cooperation between and among Israel, Arab States, the Palestinians to enhance such prospects for peace and create tangible benefits for all.

This special envoy would also help manage the U.S. Government effort in supporting the Abraham Accords.

So, I again appreciate Rep. Torres and Rep. Lawler's work on this bill and encourage its passage.

And I yield back the balance of my time.

Chairman McCAUL. Is there any further discussion of the bill?

Mr. Wilson is recognized.

Mr. WILSON. Thank you, Mr. Chairman.

This is really encouraging to see so many New Yorkers working together for bipartisan legislation. And with that in mind, the Abraham Accords were a historic achievement of the Trump Administration, promoting prosperity and peace in the Middle East.

This legislation is critical to ensuring the State Department maintains its commitment to the full implementation of these historic accords. It was quite intentional on my part that the first hearing as chairman of the Subcommittee on Middle East, North Africa, and Central Asia highlighted the importance of expanding the Abraham Accords for Middle East stability and prosperity.

Support for the accords is bipartisan. I am extremely optimistic that with further work the United States can bring countries like Saudi Arabia, our long-time and very appreciated ally, into the accords and promote the economic opportunities that normalized relations with Israel will offer.

However, the advancement of these objectives require a full-time position at the Department of State. This is why Congressman Michael Lawler's legislation is so important. And Congressman Lawler of New York is making a difference for Middle East stability and prosperity, with countries achieving mutually beneficial success. Peace can be achieved.

I yield back.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

Mr. Phillips is recognized.

Mr. PHILLIPS. Thank you, Mr. Chairman.

I couldn't say it better than any of my colleagues. But when I was a young guy growing up in this country I never thought it imaginable that we might see a breakthrough in peace that we are now seeing emerge.

And I want to give credit where it is due. The previous Administration initiated this. I think they deserve credit. And now it is time for all of us and this Administration to move it forward.

I really celebrate you, Mr. Lawler, for introducing this with Mr. Torres. I think a whole-of-government approach is exactly what we need. The time is right, the circumstances are right, and we should make this calling of this generation. If we do so, I think it is an extraordinary legacy for this committee, this Congress, and this country, not to mention peace for the world.

So, I just want to celebrate you, Mr. Lawler.

And I yield back.

Chairman MCCAUL. The gentleman yields back.

Any further discussion?

Ms. Manning is recognized.

Mr. MEEKS. No, no mike.

Ms. MANNING. I do not give up. OK.

OK. Thank you, Mr. Chairman, Ranking Member Meeks. And I want to thank the two gentleman from New York, Mr. Lawler and Mr. Torres.

I am proud to support H.R. 3099, a bipartisan bill to establish a Special Envoy in the U.S. State Department for the Abraham Accords.

Mr. Chairman, as my colleagues have acknowledged, the Abraham Accords represent a monumental achievement that significantly advances our interests and the interests of the entire Middle East, and deserve bipartisan support. The remarkable breakthrough between Israel, the UAE, Bahrain, Morocco, and Sudan

builds on years of progress between these countries. And it is, indeed, transformative.

With U.S. support, these countries chose to form a group of forward-looking countries in the Middle East focused on building a better and brighter economic future for their people, and a more integrated and secure region.

These countries also recognize a common interest in cooperating to counter the threats posed by Iran, the principal source of instability in the region. I, too, applaud the Trump Administration and the Biden Administration for supporting the Abraham Accords. And there is broad bipartisan support in Congress for ongoing efforts to support peace between Israel and its neighbors.

Last March, Secretary Blinken and the foreign ministers of Israel, the UAE, Bahrain, Morocco, and Egypt met in an unprecedented summit in the Negev where they agreed to establish six working groups across a range of important areas, helping improve collective security and economic opportunity in the region. The inaugural meeting of these working groups took place this January in the United Arab Emirates.

I also welcome reports that the Administration is considering appointing former U.S. Ambassador Dan Shapiro as the State Department's point person for the Abraham Accords. He is extremely well qualified. And I know that many in the region appreciate his leadership of the Atlantic Council's N7 initiative, working to expand people-to-people ties among the Abraham Accords countries.

It would be helpful and impactful to have a dedicated diplomat with the rank of Ambassador to coordinate regional outreach and to help advance and deepen the accords.

In addition to making the right personnel and bureaucratic moves, I am also hopeful we can do something much more comprehensive in this Congress to further these agreements and create tangible benefits for all peoples in the region, including the Palestinians.

In closing, Mr. Chairman, I am proud to support the Abraham Accords, a hugely positive step for Israel and the region which widened the circle of peace. And I encourage all of my colleagues to join me in supporting this bill.

Thank you. And I yield back.

Chairman MCCAUL. The gentlelady yields back.

Any further discussion?

Mr. Moskowitz is recognized.

Mr. MOSKOWITZ. Thank you, Mr. Chairman.

I want to thank the sponsors, both Representative Lawler and Representative Torres for bringing this forward.

You know, we just got back from the region, Mr. Chairman, on a trip with the Speaker. And whether we were in Jordan, or Israel, or in Egypt we consistently heard a consistent theme of the Abraham Accords. And there is no doubt that it was a success of the Trump Administration. And it goes to show that good ideas can still be bipartisan. This is an idea that started in the Trump Administration and has now transitioned to the Biden Administration.

And I think that having a special envoy is a critical step in trying to get Saudi Arabia as part of the Abraham Accords. There is no doubt that that would be a critical step for the region.

I think the Abraham Accords, quite frankly, have shown that shared economic interest is the pathway to not just peace in the region but, quite frankly, also bringing down antisemitism. Because we are now seeing books being changed with the teaching of the Holocaust winding up in them, books that for decades and decades omitted, you know, why the State of Israel was created.

And so I want to thank both the sponsors. I am happy that this piece of legislation is bipartisan. And I look forward to it being implemented.

Thank you, Mr. Chairman.

Chairman McCAUL. The gentleman yields back.

Any further discussion?

Mr. Schneider is recognized.

Mr. SCHNEIDER. Thank you, Mr. Chairman.

And I will echo what my colleagues have said. You know, looking at the work we are doing today, I want to thank the chairman and the ranking member for working together to put before this committee a number of bills that put the national interest ahead of partisan politics.

We are not all perfect. And that is why we are here, to work to make them better. And a few we still have disagreement, may not find compromise. And on these I will vote nay.

But I want to celebrate where we did work together, where both sides came together for compromise.

We have a good bill before us countering the normalization with the Assad Regime, disrupting the supply chain, calling for a special tribunal for crimes against Ukraine, and calling for the release of both Evan Gershkovich and Paul Whelan, and making worthwhile changes to the Taiwan Allies International Protection and Enhancement Initiative, TAIPEI Act of 2019.

As co-chair and one of the co-founders of the bipartisan, bicameral Abraham Accords Caucus, I want to in particular highlight H.R. 3099, establishing a Special Envoy for the Abraham Accords. And a special call-out to my colleagues Mr. Lawler and Mr. Torres. We are grateful for your work.

With Ambassador Tom Nides soon returning from Israel, and Amos Hochstein moving to Department of Energy, this is a good opportunity to cement progress and make sure the State Department has someone in place to guide the complex interagency process needed to further strengthen and expand the accords. And as I said before, I can think of no better person than the one being considered, Dan Shapiro; understands the challenges but also fully embraces and appreciates the opportunities to work us there.

I, if I think of an issue that keeps me up at night, none more so than the prospect of Iran getting a nuclear weapon. This is a challenge we have faced for more than a quarter century. And as we sit here today, Iran is on the cusp of having sufficient fissile material to make not one but multiple nuclear weapons. And we talked about that in this committee many, many a time.

If there is something that gives me comfort as I try to sleep, it is the Abraham Accords. These are remarkable accomplishments

within the last Administration, this Administration, working to bring people together. These are different from previous agreements between Israel and neighbors.

We are seeing immediate fruits of the relationship: people-to-people exchange, economic exchange, commerce, technology, cultural and, in particular, security. I am deeply proud of the work the Abraham Accords Caucus has done, for example with the Israel Relations Normalization Act, the DEFEND Act that became law last year, and now working on the Maritime Act.

I look forward to further impactful legislation. And I am pleased that the caucus will have a dedicated counterpart in the executive branch to continue our progress toward normalization between Israel and her neighbors, countering the Iranian regime, but also working to bring peace, prosperity not just to Israel but to all the people in the region, and for years to come.

With that, I yield back.

Chairman McCAUL. The gentleman yields.

Any further discussion of the bill?

There being no further discussion, the committee will move to consideration of amendments.

Does any member wish to offer an amendment?

There being no amendment, thank you.

I now move that the committee report H.R. 3099 to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table. Staff is authorized to make any technical and conforming changes.

I now, pursuant to notice I now call up H. Res. 81 calling on the President to support the creation of a Special Tribunal for the Punishment of the Crime of Aggression against Ukraine.

[The Bill H. Res. 81 follows:]



118TH CONGRESS
1ST SESSION

H. RES. 81

Calling on the President to support the creation of a Special Tribunal for the Punishment of the Crime of Aggression against Ukraine.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2023

Mr. KEATING (for himself, Mr. WILSON of South Carolina, Ms. KAPTUR, Mr. FITZPATRICK, Mr. QUIGLEY, and Mr. MCGOVERN) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling on the President to support the creation of a Special Tribunal for the Punishment of the Crime of Aggression against Ukraine.

Whereas on February 24, 2022, the Russian Federation initiated the full scale invasion of Ukraine;

Whereas the Russian Federation's full-scale invasion of Ukraine has resulted in enormous destruction of civilian infrastructure in Ukraine, the displacement of millions of Ukrainians both inside Ukraine and abroad, mass disruption of global food supplies resulting in increased food insecurity for the world's most vulnerable populations as well as the death of thousands of Ukrainians civilians and military personnel;

Whereas Article 1(1) the Charter of the United Nations states that it is the purpose of the United Nations to “maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”;

Whereas Article 2(4) of the Charter of the United Nations states that “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations”;

Whereas United Nations General Assembly Resolution 3314 defines aggression as “the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, as set out in this Definition”;

Whereas General Assembly Resolution 3314 defines the following acts, regardless of a declaration of war, as qualifying as an act of aggression:

(1) The invasion or attack by the Armed Forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;

(2) Bombardment by the Armed Forces of a State against the territory of another State or the use of any

weapons by a State against the territory of another State;

(3) The blockade of the ports or coasts of a State by the Armed Forces of another State;

(4) An attack by the Armed Forces of a State on the land, sea or air forces, or marine and air fleets of another State;

(5) The use of Armed Forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

(6) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State; and

(7) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein; and

Whereas the Russian Federation's unprecedented full-scale invasion of Ukraine has reached a critical point requiring immediate and decisive action by the international community: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) condemns in the strongest terms the Rus-
3 sian Federation's full-scale invasion of Ukraine;

4 (2) supports the people of Ukraine in their
5 fight for freedom, independence and democracy;

1 (3) underscores Ukraine's sovereignty and terri-
2 torial integrity within its internationally recognized
3 borders;

4 (4) finds that there is significant evidence to
5 suggest that individual leaders of the Russian Fed-
6 eration are culpable of committing the crime of ag-
7 gression against Ukraine and this requires proper
8 adjudication by the international community;

9 (5) recognizes the need for the creation of a
10 Special Tribunal on the Crime of Aggression against
11 Ukraine;

12 (6) identifies an agreement between Ukraine
13 and the United Nations following a favorable United
14 Nations General Assembly vote as one option to-
15 wards the creation of such an international tribunal;
16 and

17 (7) urges the President to take all available
18 measures to support the creation of a Special Tri-
19 bunal for Crime of Aggression against Ukraine.

○

Chairman MCCAUL. The resolution was circulated in advance.
The clerk shall designate the resolution.

The CLERK. H. Res. 81, resolution calling on the President to support the creation of a special tribunal for the punishment of the crimes of aggression against Ukraine.

Chairman MCCAUL. Without objection, the first reading of the resolution is dispensed with. The resolution is considered as read and open to amendment at any point.

Is there any discussion of the resolution?

Mr. Keating is recognized.

Mr. KEATING. Mr. Chairman, I have an amendment in the nature of a substitute at the desk.

[The Amendment of Mr. Keating follows:]

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 81
OFFERED BY MR. KEATING OF MASSACHUSETTS**

Strike the preamble and insert the following:

Whereas since February 2014 the Russian Federation has waged an illegal, unprovoked, and unjustified war of aggression against Ukraine, which it escalated on February 24, 2022, with a full-scale invasion of Ukraine;

Whereas Article 1(1) of the Charter of the United Nations states that it is the purpose of the United Nations to “maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”;

Whereas Article 2(4) of the Charter of the United Nations states that “[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations”;

Whereas United Nations General Assembly Resolution 3314 defines aggression as “the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner

inconsistent with the Charter of the United Nations, as set out in this Definition”;

Whereas General Assembly Resolution 3314 states that “Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with other provisions of the resolution, qualify as an act of aggression” and the list that follows consists of—

(1) “the invasion or attack by the Armed Forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof”;

(2) “bombardment by the Armed Forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State”;

(3) “the blockade of the ports or coasts of a State by the Armed Forces of another State”;

(4) “an attack by the Armed Forces of a State on the land, sea or air forces, or marine and air fleets of another State”;

(5) “the use of Armed Forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement”;

(6) “the action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State”;

and

(7) “the sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein”.

Whereas the Russian Federation has illegally occupied and purported to annex Crimea and portions of the regions of Donetsk, Luhansk, Kherson, and Zaporizhzhia Oblasts, which are all internationally recognized as Ukraine;

Whereas at the start of the February 2022 escalation, the armed forces of the Russian Federation further restricted free movement in the Black Sea by blocking access to Ukraine’s Black Sea port cities, worsening global food insecurity for the world’s most vulnerable populations;

Whereas the armed forces of the Russian Federation have launched missile, artillery, and drone bombardments throughout the sovereign territory of Ukraine, deliberately targeting critical civilian infrastructure;

Whereas Russia’s Wagner Group mercenaries have led the assault on the Ukrainian city of Bakhmut on behalf of the Russian Federation;

Whereas the Russian Federation has ignored the International Court of Justice March 16, 2022, ruling ordering the Russian Federation to “immediately suspend the military operations that it commenced on 24 February”; and

Whereas the United Nations General Assembly passed a resolution in November 15, 2022, recognizing “the Russian Federation must be held to account for any violations of international law in or against Ukraine, including its ag-

gression in violation of the Charter of the United Nations”: Now, therefore, be it

Strike the resolving clause and insert the following:

- 1 *Resolved*, That the House of Representatives—
- 2 (1) condemns in the strongest terms the Rus-
- 3 sian Federation’s illegal, unprovoked, and unjustified
- 4 war of aggression against Ukraine;
- 5 (2) supports the people of Ukraine in their
- 6 fight for freedom, independence, and democracy;
- 7 (3) underscores Ukraine’s sovereignty and terri-
- 8 torial integrity within its internationally recognized
- 9 borders;
- 10 (4) finds that the Russian Federation’s
- 11 unprovoked full-scale invasion of Ukraine is a clear
- 12 violation of the United Nations Charter and that
- 13 there is significant evidence that the political and
- 14 military leadership of the Russian Federation is re-
- 15 sponsible for committing the crime of aggression
- 16 against Ukraine;
- 17 (5) recognizes the importance of prosecuting
- 18 Russian leadership for the crime of aggression to
- 19 seek justice for Ukraine, deter other adversaries
- 20 from launching illegal aggression, and facilitate the
- 21 demand for the Russian Federation to compensate
- 22 Ukraine with its sovereign assets;

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1 (6) identifies the need for the creation of a Spe-
2 cial Tribunal to prosecute the crime of aggression
3 against Ukraine and recognizes an agreement be-
4 tween Ukraine and the United Nations following a
5 favorable United Nations General Assembly vote as
6 one option towards the creation of such a tribunal;
7 and

8 (7) urges the President to engage in active di-
9 plomacy to support the creation of a Special Tri-
10 bunal to prosecute the crime of aggression against
11 Ukraine.

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Chairman MCCAUL. Yes, we are on discussion of the bill itself.

Mr. KEATING. You are ahead of me. Thank you, Mr. Chairman.

Chairman MCCAUL. We will proceed to amendment after that.

Mr. KEATING. Thank you, Mr. Chairman.

I want to thank Chairman McCaul and Ranking Member Meeks for holding this markup today and working with me to finalize the text of H. Res. 81, which I have included in the ANS I submitted.

I would like to take a moment to discuss House Res. 81, along with House Res. 377 and House Res. 272, three bipartisan bills that I believe are crucial to both our domestic and international efforts to hold the Russian Government accountable for the human rights abuses they committed both home and abroad.

I want to thank the chairman for including my resolution in today's markup, a resolution calling on the President to support the creation of a special tribunal to prosecute the crime of aggression against Ukraine. As chair, and now Ranking Member of the House Foreign Affairs Subcommittee on Europe, I have focused on seeking justice for those who have experienced atrocity crimes at the hands of the Russian military in Ukraine.

As part of this effort, and to fully understand the situation on the ground, I held three subcommittee hearings last Congress on the subject, including a hearing with Prosecutor General Andriy Kostin. In addition, I met with Ukrainians from NGO's on the ground, the military, the Verkhovna Rada, the Ukrainian diaspora, and top Ukrainian officials. In that time I have heard the stories of horrific injustices committed by Russia in Ukraine, leaving me more determined than ever to do my part to support justice on behalf of Ukraine.

In recognition of those in Ukraine who deserve justice, I introduced H. Res. 81, which I believe is essential for holding Russia accountable for its intentions on this illegal war.

As Ambassador Marka—I always get—Markarova, I am sorry, has said herself, the prosecution of the crime of aggression represents the missing link in a string of inquiries which have been established to investigate Russian war crimes. In addition, this resolution is being brought up at a critical moment as the international allies' partners gather to discuss potential avenues for justice.

In fact, in March the State Department issued a statement voicing their support for a special tribunal for the crime of aggression in Ukraine. And just last week, State Department officials traveled to Estonia to meet with a group of our allies to discuss particularities around the creation of such a tribunal.

I want to thank the State Department for their efforts they have taken to support the war crimes investigation, as well as their continued efforts to find consensus, consensus around the special tribunal persecuting crimes of aggression.

While I personally believe in an international special tribunal created through the majority vote of the United Nations General Assembly, and it brings forth legitimacy in that regard and the authority to a tribunal, I know the conversation surrounding the details is ongoing. So, as I said, I am proud that this committee is taking a step forward in voicing our support for this important mechanism.

Again, I want to thank the chairman, and the ranking member, and the 25 other bipartisan members who cosponsored this resolution. And I strongly urge my colleagues for their support.

In addition to this legislation, this committee is also considering H. Res. 377, which the chairman and ranking member, myself, and Chairman Kean have put forward; and H. Res. 272 that Representatives Stevens and Walberg have submitted. These two bills call for the immediate release for two innocent Americans, Paul Whelan and Evan Gershkovich, who remain wrongfully detained in Russia.

Unfortunately, I am all too familiar with Russia's methods to use hostage diplomacy to achieve their political objectives. Paul Whelan's sister Elizabeth, who lives in my district, is a powerful advocate for her brother, traveling to Washington numerous times, most recently to the United Nations to advocate for his release.

Since Paul Whelan's detainment I have worked with her and the State Department to support the negotiations to bring Paul Home.

At the same time, Evan Gershkovich is a talented journalist who shed light on the realities of Russian society. And represents the first American journalist to be detained on allegations of espionage in Russia since 1986 during the Soviet Union.

Last week I organized a letter to be sent to Evan with 70 of my colleagues in the House, voicing our support for Evan's freedom. His fight for justice, press freedom, and all his activities around the world should not result in this kind of treatment.

Today I am proud to sponsor both resolutions. And I call on my colleagues to support the measures and show the congressional support for release of these two innocent Americans.

I would like to say I thank Mr. Wilson also for his cosponsorship on the bill and his work together on this in a bipartisan fashion.

And I want to make recognition of the fact that this might be the last markup for one of our colleagues, Mr. David Cicilline from Rhode Island, who has served this committee and this Congress so well during the 13 years he has served us. And we know his interest will contain many moments of being in touch with our committee in the future. We couldn't have stopped that if we wanted to. But his voice and his advocacy will be sorely missed.

With that, I yield back.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

Mr. Cicilline is recognized.

Mr. CICILLINE. Thank you, Mr. Chairman. And I thank Mr. Keating for his kind words. And thank you, Mr. Chairman, for bringing this bill for markup.

Just a few weeks ago we heard from Ukrainian Prosecutor General Kostin about the horrors being carried out in his country by Russian forces, and the need for the international community to support Ukraine as it seeks accountability for these horrendous acts. That is why I am proud to support H. Res. 81 and its call for the creation of a special tribunal for the punishment of the crimes of aggression against Ukraine.

Vladimir Putin's unprovoked and cruel invasion of Ukraine, in furtherance of his delusional plan for the rebirth of a Russian empire, has unleashed horrors on civilians reminiscent of the darkest

days of World War II. Since February 2022, Ukraine has registered cases for nearly 80,000 war crimes.

In cities across Ukraine Russia has launched air strikes and missile attacks on apartment buildings, medical facilities, schools, and train stations. Earlier this month a Russian air strike killed eight people at a supermarket in Kherson. In Bucha, journalists have meticulously documented the horrors carried out by Russian forces. Men, women, and children had their hands tied behind their backs and shot to death; elderly Ukrainians executed as they searched for food.

When I traveled to the Polish-Ukraine border last year with many of those on this committee I saw firsthand the brutal consequences of Putin's illegal and unwarranted invasion of Ukraine. It was the worst humanitarian crisis I, and I think many of us, have ever seen.

Putin's invasion of Ukraine and the thousands of war crimes that have been documented cannot go unpunished, not just for the sake of Ukraine but to show the other bad actors the resolve of the international community protecting democracy and fighting aggression.

As we work to ensure that Ukrainians on the front lines have the tools and equipment they need, we must also support efforts for justice and accountability in the international system. Creating a special tribunal for the punishment of the crime of aggression is an important and much needed step in ensuring that accountability.

I want to thank Mr. Keating for leading this important resolution and urge my colleagues to support it.

And, finally, Mr. Chairman, I would like to express my support of House Resolution 377 and House Resolution 272, resolutions calling for the release of Evan Gershkovich and Paul Whelan, Americans wrongfully detained by Russia.

At the end of last year we all welcomed Brittney Griner back home after she was released from Russian custody and reunited with her wife Cherelle, her friends, and her other loved ones. Unfortunately, although Mr. Griner's nightmare is over, there are still far too many American families to after years are still waiting to be reunited with their loved ones.

Just a few weeks after Brittney Griner was released, we marked the 4-year anniversary of Paul Whelan's wrongful detention in Russia after he traveled to the country for a friend's wedding. And in March, shortly after that solemn anniversary, we got troubling news that Evan Gershkovich, a Wall Street Journal correspondent based on Moscow, was taken into Russian custody where he has been held since.

Paul and Evan's cases are part of a troubling trend where bad actors around the world, particularly Russia and Iran, have wrongfully detained Americans and used them as bargaining chips. Often without any evidence of wrongdoing, Americans are sentenced to lengthy prison sentences in Russian labor camps where they face deplorable conditions and limited access to legal counsel.

Last month, the Biden Administration announced the first ever sanctions against actors for engaging in the wrongful detention of Americans, another important tool to ensure we are keeping up the

pressure on individuals helping to facilitate the wrongful detention of Americans abroad.

I share the Biden Administration's commitment to bring these Americans home as quickly as possible, and ensuring that we are always pursuing new ways to bring them home until successful. We cannot rest until Paul, Evan, and all Americans wrongfully held are brought or returned home.

I urge my colleagues to support these two resolutions as well. And I yield back.

Chairman MCCAUL. The gentleman yields back.

I also want to thank you for your longstanding Service to this committee. It has been a real honor to work with you. You will be missed. But I certainly expect an invite to your going away party.

So, and with that, any further discussion?

Mr. Wilson is recognized.

Mr. WILSON. Thank you very much, Mr. Chairman.

And I want to join in, too, with the former chairman of the Middle East Subcommittee and, most briefly, ranking member of the Middle East Subcommittee before he determined that he was going to earn a living. And so, we want to wish Congressman Cicilline the best.

Creation of a special tribunal is critically important to holding accountable war criminal Putin and his cronies who have committed grievous human rights violations and crimes of aggression in Ukraine. When I visited Bucha, Ukraine, this month, I learned firsthand from survivors of Russians murdering civilians without cause or notice.

A grandmother was explaining to us that as she was in the car the Russians approached the car and shot dead her 16-year-old grandson with no notice at all, no warning.

Additionally, a lady was explaining that their home was being looted by the Russian soldiers. And when they objected, the Russians killed, the Putin forces killed her husband right there as an indication of their depravity.

And we have learned that men, women, and children were buried there at Bucha at the beautiful, sadly, in the shadow of a beautiful orthodox church. And they were buried in shallow graves to conceal the depravity of the Putin military.

The United Nations defines a crime of aggression as "the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, or an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations."

Nuremberg Prosecutor Ben Ferencz, who I was grateful to work with Congresswoman Lois Frankel to achieve the congressional Gold Medal, explained that crimes of aggression depended by saying, "the illegal use of armed force is a crime against humanity."

Putin's war has done just that. And these aggressors must be held accountable.

I had the opportunity just 2 weeks ago to visit the Courtroom 600 at the Nuremberg Courthouse in Germany where the Nazi leadership were on trial. They were convicted and executed. The

precedent was established and agreed to by the Soviet participants of the trial that persons can be tried in absentia.

One day I believe that war criminal Putin and his accomplices will be brought to justice. They will be tried at a reconstructed courthouse in Mariupol liberated Ukraine for justice to be made.

I have been honored to serve as the co-lead on the legislation to support the freedom of the Ukrainian people. Every day they prove how rule of law, democracies will prevail over a rule of gun authoritarians. The people of Ukraine have encouraged and inspired Republicans and Democrats from Texas and South Carolina, even to Rhode Island and Massachusetts, to support the territorial independence of Ukraine.

I urge all of our colleagues to support this important legislation. I yield back.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

Mr. Meeks is recognized.

Mr. MEEKS. Thank you, Mr. Chairman.

I also support this measure. And want to thank my colleague and Ranking Member Keating for the introduction of this resolution.

As the chairman of the subcommittee last Congress, and since the beginning of Russia's horrific and criminal escalation in February 2022, Mr. Keating has led multiple legislative efforts seeking justice for Ukraine. By voting on this resolution today, the committee is able to, in a bipartisan fashion, demonstrate its support for that justice.

And as the war grinds on and evolves, so must our support for the Ukrainian people. I stand with the people of Ukraine in their existential fight for freedom. And I will continue to work with colleagues on this committee to help them win the war.

It is in that spirit, and building off of our recent committee hearing on Russian war crimes, this resolution calls for the establishment of a special tribunal. The resolution also, importantly, continues to encourage the Administration to increase its support for justice.

And I, again, thank Chairman McCaul for working with us to bring this resolution to a vote in Congress, and for his efforts to foster support for Ukraine in Congress and with all the colleagues.

And I also just want to give a quick shout to Mr. David Cicilline, who over my objections has decided to make a living. I do not know why he decided that. But we will respect that. And but he will be missed.

He is an individual who I have learned to trust, to consult in, and to admire his, always, his advice and friendship. And that will be, the friendship will continue because you may be in Maine. You can run but you cannot hide. I will find you. Rhode Island rather. Rhode Island, that is right. I do not want to get him in trouble.

But he might be anywhere now. You know, he can do anything he wants. He's a free man.

But I just want to thank you for your Service to the U.S. House of Representatives and our country.

With that, I yield back.

Chairman MCCAUL. The gentleman yields.

Any further discussion?

Let me say I support this resolution. We heard from the prosecutor general from Ukraine about the horrific atrocities. I had a chance to visit with him in Bucha to see the mass grave sites, children being shot in the back of the head, 5-year-olds raped to death by the Wagner Group, occupying territories, taking children out of their homes, reindoctrinating them in Russia away from their families, the maternity hospital being bombed, civilians bombed. Violates every Geneva Convention accord. And I think a special tribunal is appropriate.

So, with that, no further discussion of the resolution, committee will move to consideration of amendments.

Does any member wish to offer an amendment?

Mr. KEATING. Mr. Chairman.

Chairman MCCAUL. Mr. Keating is recognized.

Mr. KEATING. I will get the timing good this time.

I have an amendment in the nature of a substitute at the desk.

Chairman MCCAUL. The clerk shall distribute the amendment.

The clerk shall report the amendment.

The CLERK. Amendment in the nature of a substitute to H. Res. 81 offered by Mr. Keating of Massachusetts.

Chairman MCCAUL. Without objection, further reading is dispensed with.

The gentleman is recognized for 5 minutes on his amendment.

Mr. KEATING. Mr. Chairman, having spoken about this before in the long markup that this is, I will yield back my time.

Chairman MCCAUL. Fantastic.

The gentleman yields back.

I support your amendment even though we didn't hear much, but I do support it.

Mr. KEATING. Maybe this is a trend we will continue.

Chairman MCCAUL. I think with certain people, yes. No, I will not get into that.

Do any other members seek recognition?

There being no further discussion on the amendment, do any members wish to offer any amendments to the amendment in the nature of a substitute?

There being no further discussion on the amendments, the question now occurs on the amendment in the nature of a substitute offered by Mr. Keating.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the amendment is agreed to.

I now move that the committee report H. Res. 81, as amended, to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it. The motion is agreed to.

Without objection, the motion to reconsider is laid on the table. The staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H. Res. 377, calling for the immediate release of Evan Gershkovich, a United States citizen and

journalist, who was wrongfully detained by the Government of the Russian Federation on March 2023.

The resolution was circulated in advance.

[H. Res. 377 follows]



IV

118TH CONGRESS
1ST SESSION**H. RES. 377**

Calling for the immediate release of Evan Gershkovich, a United States citizen and journalist, who was wrongfully detained by the Government of the Russian Federation in March 2023.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2023

Mr. McCAUL (for himself, Mr. MEEKS, Mr. KEATING, and Mr. KEAN of New Jersey) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling for the immediate release of Evan Gershkovich, a United States citizen and journalist, who was wrongfully detained by the Government of the Russian Federation in March 2023.

Whereas United States citizen Evan Gershkovich is a reporter for the Wall Street Journal;

Whereas Evan Gershkovich is an accredited reporter, with a history of working in Russia for the Moscow Times, Agence France-Presse, and the Wall Street Journal;

Whereas Evan Gershkovich is known to his family, friends, and colleagues as someone who is adventurous, curious, and who has an abiding love for Russia and its people;

Whereas Evan Gershkovich, a trailblazing and intrepid journalist, actively reported on stories across Russia, including the vast wildfires across Siberia, the COVID–19 pandemic, the Russian economy, and the Government of the Russian Federation’s unlawful invasion of Ukraine;

Whereas, on March 29, 2023, Evan Gershkovich was arrested in Yekaterinburg while reporting on behalf of the Wall Street Journal;

Whereas, on April 7, 2023, the Government of the Russian Federation charged Evan Gershkovich with espionage;

Whereas the Government of the Russian Federation has failed to publicly provide evidence of Evan Gershkovich’s criminal action to credibly render a charge of espionage;

Whereas the last time an American journalist was detained on allegations of espionage in Russia was in 1986 during the era of the Soviet Union;

Whereas, on April 10, 2023, Secretary of State Antony Blinken designated Evan Gershkovich wrongfully detained by the Government of the Russian Federation; and

Whereas, on April 17, 2023, the United States was joined by 46 United Nations Member States in a joint statement expressing deep concern over the detention of Evan Gershkovich by the Government of the Russian Federation: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) calls on the Government of the Russian
3 Federation to immediately release Evan
4 Gershkovich, who has been wrongfully detained since
5 March 2023;

1 (2) urges all United States executive branch of-
2 ficials, including President Joseph R. Biden, Sec-
3 retary of State Antony Blinken, and Special Presi-
4 dential Envoy for Hostage Affairs Roger D.
5 Carstens, to raise the case of Evan Gershkovich and
6 to press for his immediate release in all interactions
7 with the Government of the Russian Federation;

8 (3) urges the Government of the Russian Fed-
9 eration to provide full, unfettered, and consistent
10 consular access, in accordance with its international
11 obligations, to Evan Gershkovich while he remains in
12 detention;

13 (4) urges the Government of the Russian Fed-
14 eration to respect the human rights of Evan
15 Gershkovich;

16 (5) urges the Government of the Russian Fed-
17 eration to respect the rights of accredited journalists
18 to freely and independently report the news without
19 fear of arbitrary detention or reprisal;

20 (6) urges the Government of the Russian Fed-
21 eration to desist from detaining, imprisoning, and
22 otherwise seeking to intimidate journalists in order
23 to curtail or censor an independent press;

24 (7) condemns the Government of the Russian
25 Federation's continued use of detentions and pros-

1 ecutions of United States citizens and lawful perma-
2 nent residents for political purposes;

3 (8) calls for the immediate release of Paul
4 Whelan, who has been wrongfully detained in Russia
5 since December 2018;

6 (9) expresses continued support for all Amer-
7 ican citizens and lawful permanent residents de-
8 tained in Russia and abroad, including Marc Fogel,
9 Vladimir Kara-Murza, and others; and

10 (10) expresses sympathy for and solidarity with
11 the families of Evan Gershkovich, Paul Whelan, and
12 all other American citizens and lawful permanent
13 residents wrongfully detained abroad for the per-
14 sonal hardship experienced as a result of the arbi-
15 trary and baseless arrest and detention of their loved
16 ones.

○

And the clerk shall designate the resolution.

The CLERK. H. Res. 377, resolution calling for the immediate release of Evan Gershkovich, a United States citizen and journalist, who was wrongfully detained by the Government of the Russian Federation in March 2023.

Chairman MCCAUL. Without objection, the first reading of the resolution is dispensed with. The resolution is considered as read and open to amendment at any point. I will now recognize myself for an opening statement.

Evan Gershkovich is an American citizen and a well respected Wall Street Journal reporter. He is the son of two Soviet-born Jewish exiles who fled Russia to avoid persecution, and he is a loving little brother. What he is not is a criminal.

Yet on March 29, he was arrested by the corrupt Putin regime and charged with espionage. No evidence has been presented to back up this accusation because there is no evidence. Evan is innocent.

He was simply doing his job, reporting on the news in Russia. But we know the war criminal Putin does not like that. He does not want his own people to know about the atrocities he is committing in Ukraine.

He does not want them to know about the corruption within his own government or how he has turned their country into an international pariah. Vladimir Putin knows that a free press is a pillar of democracy, that a strong force of State will hold officials accountable. So he arrested Evan with the intention of not only silencing him but of scaring other journalists who remain silent too.

I want to assure Evan's friends, his coworkers, and his family that we will continue our fight every day until we bring him home to you. Many of them are watching online today to show their support for Evan including his mother Ella, his father Mikhail, his sister Danielle, and his brother-in-law Anthony. As a father of five children, I cannot begin to imagine the pain and suffering Evan's family is feeling right now.

I had the honor, opportunity to meet Evan's mother Ella recently. Like any mother, she was worried for her son's long-term situation. But she was also determined to do anything she could to bring him home.

And she thanked me for the efforts this committee and others on Capitol Hill were doing to help her son. Unfortunately, Evan's family is not the only one suffering through this horrific ordeal. Paul Whelan has been illegally detained by Putin since 2018. Like Evan, Paul is completely innocent of the charges against him.

And like Evan, Paul deserves to be home with his family instead of in a Russian prison. The nightmare for Evan, Paul, and their families must end. This committee and all Americans stand with Evan.

And that is why I am proud to markup this bipartisan resolution today that condemns the Putin regime for its illegal imprisonment of Evan and Paul. And it calls on the Biden Administration to prioritize bringing home all American citizens who are wrongfully detained overseas. I hope this bipartisan resolution sends a strong message to Vladimir Putin that America, Republicans and Demo-

crats alike, will not tolerate his corrupt regime holding U.S. citizens hostage under false pretenses.

And I hope it sends a message to every American citizen who is wrongly detained overseas that this Congress will not rest until you are all brought home. Evan Gershkovich is an American citizen and a respected Wall Street Journal reporter. I have had the chance to meet with his colleagues as well.

I cannot imagine the pain and suffering knowing that their friend, their son is sitting in a Russian prison. By passing this resolution, we send a strong message to Vladimir Putin to free Evan and to free Paul Whelan once and for all. Is there any further discussion of the resolution? The ranking member, Mr. Meeks, is recognized.

Mr. MEEKS. Thank you, Mr. Chairman. I strongly support this measure and thank you for working with me and introduce this in a bipartisan fashion. Evan Gershkovich is a journalist working in one of the most difficult media environments in the world.

He has dedicated his life to truth. His reporting has shed light on Russia's handling of the COVID-19 pandemic, the struggling Russian economy, and its horrific and criminal war against the people of Ukraine. With his detention, Russia has stooped to a new low, a low unfortunately we have seen happen previously.

Detaining an American journalist for the first time since the cold war on baseless charges to gain political leverage and further silence the brave members of the independent press who are undeterred by Russia's threats and aggression. Sadly, resolutions like these are becoming a regular exercise. The Kremlin has wrongfully detained at least one American in four out of the last 5 years.

But for as long as necessary, we must State unequivocally that we stand with Evan, that we stand with Paul Whelan, and we stand with their families suffering tremendous emotional and financial strain as a result. So I support this resolution and how we can continue to work in a bipartisan fashion and with the executive branch on this and other critical legislation, including the family support legislation that is moving through the Senate as we speak to better support Americans like Evan and Paul and their families. And with that, I yield back the balance of my time.

Chairman McCAUL. The gentleman yields back. Any further discussion of the resolution? Mr. Wilson is recognized.

Mr. WILSON. Thank you very much, Mr. Chairman. War criminal Putin has corrupted the Russian court system to pervert justice and fabricate criminal charges against American Wall Street reporter, Evan Gershkovich, and hold him hostage as another victim of the criminal war of mass murder in Ukraine.

The United States cannot tolerate the illegal detention of American citizens abroad. It is particularly egregious when the illegal detention is combined with the degradation of truth and rights to a free press. I have been grateful in a bipartisan statement with my Helsinki Commission colleagues, Republicans and Democrats, to State, quote, "Putin has developed an architecture of internal oppression and external aggression that has created nothing but moral decay," end of quote.

It is said that Evan clearly loved the Russian people and has worked for their free and prosperous existence. At the same time

too, I have had wonderful visits to Russia, and I share the inspiration of the Russian people where I hoped that they would be living in freedom and democracy. But sadly, there is the exploitation by Putin for his own personal gain of oil, money, power. As chairman of the Helsinki Commission, I continue to advocate for the release of all wrongfully detained persons by Putin, including U.S. permanent resident and democracy activist Vladimir Kara-Murza and U.S. veteran Paul Whelan. I yield back.

Chairman McCAUL. Gentleman yields. Any further discussion on the resolution? Ms. Kamlager-Dove is recognized.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair. I also want to express my support for the two resolutions, H.R. 377 and H.R. 272, calling for the release of wrongfully detained American citizens Evan Gershkovich and Paul Whelan. As the loved ones of wrongfully detained Americans know too well, those imprisoned abroad are entirely dependent on the people that they leave behind.

Their community, their families and friends, their elected representatives, to be their advocates and their voice. As Members of Congress, it is our job to shine a light on their unjust incarceration and continue to push for their freedom. I commend my colleagues as tireless advocacy on Paul and Evan's behalf, and I stand with them in calling for their immediate release.

In that spirit, I also want to draw attention to the plight of my own constituent, Eyvin Hernandez, Los Angeles County public defender who was wrongfully detained in Venezuela last March while on vacation near the Colombia-Venezuela border. Eyvin has been in prison for over a year stuck in a makeshift basement detention facility where he rarely gets to see the sun. The Maduro regime sees him as a pawn, but Eyvin is a son, brother, uncle, lawyer, and public servant who has dedicated his life's work to advocating for the under served.

Every day that he is detained is precious time lost with his family and community who ache to have him back. But I have not forgotten Eyvin and Congress has not forgotten Eyvin or Paul or Evan. And we will do everything in our power to bring all of them home and end this living nightmare once and for all.

I urge the State Department to secure the speedy release of Eyvin, Paul, Evan and all other wrongfully detained Americans. They are counting on us to bring them home. Thank you and I yield back.

Chairman McCAUL. Gentledady yields back. Any further discussion of the resolution?

There being no further discussion, committee will move to consideration of amendments. Does any member wish to offer an amendment?

There being no amendments, I now move that the committee report H. Res. 377 to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it. The motion is agreed to.

Without objection, the motion to reconsider is laid on the table. Staff is authorized to make any technical and conforming changes.

Pursuant to notice, I now call up H. RES. 272, calling on the government of the Russia Federation to immediately release United States citizen Paul Whelan. The resolution was circulated in advance and the clerk shall designate the resolution.

[The Bill H. Res. 272 follows:]



118TH CONGRESS
1ST SESSION

H. RES. 272

Calling on the Government of the Russian Federation to immediately release
United States citizen Paul Whelan.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2023

Ms. STEVENS (for herself, Mr. WALBERG, Mr. MOOLENAAR, Mrs. McCLAIN, Mrs. DINGELL, Ms. TLAIB, Mr. KILDEE, Mr. THANEDAR, Ms. SLOTKIN, Mr. BERGMAN, Ms. SCHOLTEN, Mr. HUIZENGA, and Mr. JAMES) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling on the Government of the Russian Federation to
immediately release United States citizen Paul Whelan.

Whereas United States citizen Paul Whelan is a resident of
Novi, Michigan, and a veteran of the Marine Corps;

Whereas, on December 22, 2018, Paul Whelan traveled to
Moscow, Russia, for the wedding of a personal friend;

Whereas, on December 28, 2018, the Federal Security Service of the Russian Federation arrested Paul Whelan at the Metropol Hotel in Moscow and charged him with espionage;

Whereas the Federal Security Service has never provided any evidence of supposed wrongdoing with respect to Paul Whelan;

Whereas Paul Whelan was imprisoned in Lefortovo Prison and was held in pretrial detention at the prison for more than 19 months after his arrest;

Whereas a Moscow court extended Paul Whelan's pretrial detention multiple times without publicly presenting justification or evidence of wrongdoing;

Whereas even Vladimir Zherebenkov, the lawyer appointed by the Federal Security Service to represent Paul Whelan, said on May 24, 2019, "[The Federal Security Service] always roll[s] out what they have, but in this case, we've seen nothing concrete against Whelan in five months. That means there is nothing.";

Whereas then-United States Ambassador to the Russian Federation, Jon Huntsman, responded on April 12, 2019, to a question about the detention of Paul Whelan, "If the Russians have evidence, they should bring it forward. We have seen nothing. If there was a case, I think the evidence would have been brought forward by now.";

Whereas then-Secretary of State Mike Pompeo met with Russian Foreign Minister Sergey Lavrov on May 14, 2019, and urged him to ensure United States citizens are not unjustly held abroad;

Whereas the Kremlin has refused to provide Paul Whelan with full access to his lawyer, and the so-called evidence against Paul Whelan and any evidence he has seen is in Russian, a language Whelan does not read or speak;

Whereas the Lefortovo pretrial detention facility and the Ministry of Foreign Affairs refused to provide medical

treatment for Paul Whelan’s medical condition, despite being aware of its worsening state, resulting in emergency surgery on May 29, 2020;

Whereas Paul Whelan was wrongfully convicted on June 15, 2020, and sentenced to 16 years in a Russian labor camp by a three-judge panel, in a trial witnessed by United States Ambassador John Sullivan, who referred to the trial as “a mockery of justice” due to the denial of a fair trial and the exclusion of defense witnesses;

Whereas, in August 2020, on an unknown day, Paul Whelan was secretly transferred to camp IK–17, a penal labor camp in Mordovia, Russia, where he is forced to work 6 days a week in a garment factory;

Whereas Ambassador John Sullivan, while visiting Paul Whelan at the labor camp in Mordovia, stated that “Russian authorities . . . have never shown the world evidence of his guilt”, and reiterated his call for the Russian authorities to correct this injustice and release Paul Whelan;

Whereas Secretary of State Antony Blinken spoke with Russian Foreign Minister Sergei Lavrov on February 4, 2021, and urged him to release United States citizens detained in the Russian Federation, including Paul Whelan and Trevor Reed, so that they are able to return home to their families in the United States;

Whereas, in August 2021, Whelan was released from a month-long stay in a solitary confinement at the IK–17 penal colony in the region of Mordovia;

Whereas, on April 27, 2022, the House of Representatives unanimously passed a bipartisan resolution calling for the release of Whelan;

Whereas Secretary Blinken “pressed” the Kremlin to accept an offer by the United States that would bring Paul Whelan and Brittney Griner home in July 2022;

Whereas, in November 2022, Paul Whelan was unable to contact his family for more than a week, during which time Russian authorities claimed Whelan had been sent to the hospital;

Whereas Russian authorities refused to release Paul Whelan as part of the prisoner exchange in December 2022;

Whereas Secretary of State Antony Blinken stated, “His detention remains unacceptable, and we continue to press for his immediate release at every opportunity”; and

Whereas President Biden stated that his administration had “not forgotten about Paul Whelan,” and promised to “keep negotiating in good faith for his release”: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) implores the Government of the Russian
3 Federation to immediately release Paul Whelan from
4 imprisonment;

5 (2) implores the Government of the Russian
6 Federation to comply with international treaty obli-
7 gations and provide unrestricted consular access to
8 Paul Whelan while he remains imprisoned in the
9 Russian Federation;

10 (3) calls on the Government of the Russian
11 Federation to provide Paul Whelan and all other po-
12 litical prisoners their constitutionally afforded due

1 process rights and universally recognized human
2 rights;

3 (4) expresses the sincere thanks of the United
4 States to the Governments of Canada, Ireland, and
5 the United Kingdom for their support in attempting
6 to release Paul Whelan; and

7 (5) expresses sympathy to the family of Paul
8 Whelan for this travesty to justice and personal
9 hardship and expresses hope that their ordeal can
10 soon be brought to a just end.

○

The CLERK. H. RES. 272, resolution calling on the government of the Russian Federation to immediately release United States citizen Paul Whelan—

Chairman MCCAUL. Without objection, first reading of the resolution is dispensed with. Resolution is considered as read and open to amendments at any point. I know recognize myself for a brief opening statement.

Paul Whelan was arrested and charged with espionage on December 2018 in Moscow, was held for 19 months in pre-trial detention. He is a U.S. citizen and a former Marine. Prior to his detainment, Paul was living in Novi, Michigan. On June 15, 2020, Whelan was convicted and sentenced to 16 years in a Russian labor camp.

No real evidence of Paul's guilt was ever provided. Defense witnesses were excluded, and he was denied a fair trial. It took the chief judge 1 minute and 20 seconds to reach his verdict. He remains behind bars in Russia to this day for a crime he did not commit.

Mr. Whelan has been designated as wrongfully detained by the U.S. State Department since the designation was established by law in 2020. Russia has also failed to provide regular access to Paul's lawyer. Paul has not received medical care while in custody.

Russia's hostage diplomacy must not be tolerated. We must do everything we can to bring Paul home. We will not forget Paul or any other American wrongfully detained in Russia. And Mr. Putin must stop using innocent Americans as diplomatic pawns and release them immediately. Is there any further discussion of the resolution? The ranking member, Mr. Meeks, is recognized.

Mr. MEEKS. Thank you, Mr. Chairman. I support this measure and regret this is now the third Congress in a row doing which we markup and move it to the floor for consideration. Russian authorities wrongful detained Paul Whelan, an American Marine veteran, 1,600 days ago on baseless charges.

For more than 4 years, Paul has endured persecution, denial of his lawful rights, and the withholding of medical treatment while the Kremlin seeks to use him as a pawn for political gain. For the third time, we are marking up this resolution, calling for his release and expressing solidarity with Paul and other Americans wrongfully detained abroad. Like Evan Gershkovich whose resolution we just marked up today, and Paul's only crime is being an American.

And his government must do everything, everything it can to secure his freedom. We must continue to demand that the Russian government forego this horrific practice of using the lives and freedoms of American citizens as political bargaining chips. We must continue to raise their cases at every available opportunity, and we must continue to support them and their families until they are finally reunited.

So in closing, I strongly support this resolution and reState my hope, my prayers and desires that we can work together to pass additional legislation to help wrongful detainees and their families. But most importantly get Paul and Evan other detainees home. I yield back the balance of my time.

Chairman MCCAUL. The gentleman yields. Any further discussion of the resolution? Mr. Keating is recognized.

Mr. KEATING. Thank you, Mr. Chairman.

Chairman MCCAUL. I am sorry.

Mr. KEATING. No, no, no. Go ahead.

Chairman MCCAUL. Mr. Wilson.

Mr. KEATING. Go in order, yes.

Chairman MCCAUL. Yes.

Mr. WILSON. Thank you, Mr. Chairman. Paul Whelan is yet another innocent American citizen being held hostage as the victim of war criminal Putin's weaponization of the courts to subvert justice which also abuses the people of Russia itself. Paul Whelan is a veteran who has been held since 2018.

The State Department has even declared him wrongfully detained by the Putin regime. The Biden Administration must do more to free Paul Whelan. It is inexcusable for Americans to be detained abroad without cause.

Today marks the 1,600 day of the wrongful imprisonment by war criminal Putin. It is long overdue that we bring him home. No American deserves to be wrongfully imprisoned abroad as has been perpetrated against Vladimir Kara-Murza and journalist Evan Gershkovich. This bipartisan resolution confirms Republicans and Democrats are united for a free democratic and prosperous Russia. I yield back.

Chairman MCCAUL. The gentleman yields. Any further discussion of the resolution? Mr. Keating is recognized.

Mr. KEATING. Thank you, Mr. Chairman. Vladimir Putin has stolen over 4 years of Paul Whelan's life. And he is done so just to use him as a human pawn for his own vile purposes.

This is all part of Putin's folly of how he can combat freedom and democracy in the world. He does not understand that in a free world that people should have freedom of movement, whether it is going to someone's wedding or whether it is just walking down the street and being the wrong person at the wrong time. Or the freedom to legally pursue a vocation like reporting the news.

He does not understand that in terms of freedom, that is something that cannot be contained. You cannot put ideas and values and contain them within cells. You cannot put them behind bars and pretend they do not exist.

Putin will ultimately fail in this process. In the meantime, it is important for us here in a land, in a country that appreciates, cherishes, and defends democracy and freedom that we speak up for Paul Whelan and for all those that are illegally detained by Putin's criminal and abhorrent behavior. I yield back.

Chairman MCCAUL. The gentleman yields. Any further discussion of the resolution?

There being no further discussion of the resolution, the committee will move to consideration of amendments. Does any member wish to offer an amendment?

There being no amendment, I now move the committee to report H. RES. 272 to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it and the motion is agreed to.

Without objection, the motion to reconsider is laid on the table. Staff is authorized to make any technical and confirming changes.

Pursuant to notice, I now call up H.R. 1176, the Taiwan International Solidarity Act. The bill was circulated in advance. The clerk shall designate the bill.

[The Bill H.R. 1176 follows:]



I

118TH CONGRESS
1ST SESSION

H. R. 1176

To amend the Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 to provide that the United States, as a member of any international organizations, should oppose any attempts by the People's Republic of China to resolve Taiwan's status by distorting the decisions, language, policies, or procedures of the organization, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2023

Mr. CONNOLLY (for himself, Mr. CURTIS, Mr. BERA, Mr. DIAZ-BALART, Ms. TITUS, Mr. BARR, Mr. FITZPATRICK, and Mrs. McCLAIN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 to provide that the United States, as a member of any international organizations, should oppose any attempts by the People's Republic of China to resolve Taiwan's status by distorting the decisions, language, policies, or procedures of the organization, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Taiwan International
3 Solidarity Act”.

4 **SEC. 2. CLARIFICATION REGARDING UNITED NATIONS GEN-**
5 **ERAL ASSEMBLY RESOLUTION 2758 (XXVI).**

6 Subsection (a) of section 2 of the Taiwan Allies Inter-
7 national Protection and Enhancement Initiative (TAIPEI)
8 Act of 2019 (Public Law 116–135) (relating to diplomatic
9 relations with Taiwan) is amended by adding at the end
10 the following new paragraphs:

11 “(10) United Nations General Assembly Reso-
12 lution 2758 (XXVI) established the representatives
13 of the Government of the People’s Republic of China
14 as the only lawful representatives of China to the
15 United Nations. The resolution did not address the
16 issue of representation of Taiwan and its people in
17 the United Nations or any related organizations, nor
18 did the resolution take a position on the relationship
19 between the People’s Republic of China and Taiwan
20 or include any statement pertaining to Taiwan’s sov-
21 ereignty.

22 “(11) The United States opposes any initiative
23 that seeks to change Taiwan’s status without the
24 consent of the people.”.

1 **SEC. 3. UNITED STATES ADVOCACY FOR INTERNATIONAL**
2 **ORGANIZATIONS TO RESIST THE PEOPLE'S**
3 **REPUBLIC OF CHINA'S EFFORTS TO DISTORT**
4 **THE "ONE CHINA" POSITION.**

5 Section 4 of the Taiwan Allies International Protec-
6 tion and Enhancement Initiative (TAIPEI) Act of 2019
7 (relating to the policy of the United States regarding Tai-
8 wan's participation in international organizations) is
9 amended—

10 (1) in paragraph (3), by striking “and” after
11 the semicolon at the end;

12 (2) in paragraph (4), by striking the period at
13 the end and inserting “; and”; and

14 (3) by adding at the end the following new
15 paragraph:

16 “(5) to instruct, as appropriate, representatives
17 of the United States Government in all organizations
18 described in paragraph (1) to use the voice, vote,
19 and influence of the United States to advocate such
20 organizations to resist the People's Republic of Chi-
21 na's efforts to distort the decisions, language, poli-
22 cies, or procedures of such organizations regarding
23 Taiwan.”.

1 **SEC. 4. OPPOSING THE PEOPLE'S REPUBLIC OF CHINA'S**
2 **EFFORTS TO UNDERMINE TAIWAN'S TIES AND**
3 **PARTNERSHIPS INTERNATIONALLY.**

4 Subsection (a) of section 5 of the Taiwan Allies Inter-
5 national Protection and Enhancement Initiative (TAIPEI)
6 Act of 2019 (relating to strengthening ties with Taiwan)
7 is amended—

8 (1) in paragraph (3), by striking “and” after
9 the semicolon at the end;

10 (2) in paragraph (4), by striking the period at
11 the end and inserting “; and”; and

12 (3) by adding at the end the following new
13 paragraph:

14 “(5) encourage, as appropriate, United States
15 allies and partners to oppose the People’s Republic
16 of China’s efforts to undermine Taiwan’s official
17 diplomatic relationships and its partnerships with
18 countries with which it does not maintain diplomatic
19 relations.”.

20 **SEC. 5. REPORT ON THE PEOPLE'S REPUBLIC OF CHINA'S**
21 **ATTEMPTS TO PROMOTE ITS “ONE CHINA”**
22 **POSITION.**

23 (a) IN GENERAL.—Subsection (b) of section 5 of the
24 Taiwan Allies International Protection and Enhancement
25 Initiative (TAIPEI) Act of 2019 (relating to strength-
26 ening ties with Taiwan) is amended by inserting before

1 the period at the end the following: “, as well as informa-
2 tion relating to any prior or ongoing attempts by the Peo-
3 ple’s Republic of China to undermine Taiwan’s member-
4 ship or observer status in all organizations described in
5 section (4)(1) and Taiwan’s ties and relationships with
6 other countries in accordance with subsection (a) of this
7 section”.

8 (b) EFFECTIVE DATE.—The amendment made by
9 subsection (a) shall take effect on the date of the enact-
10 ment of this Act and apply beginning with the first report
11 required under subsection (b) of section 5 of the Taiwan
12 Allies International Protection and Enhancement Initia-
13 tive (TAIPEI) Act of 2019, as amended by subsection (a),
14 that is required after such date.

○

The CLERK. H.R. 1176, a bill to amend the Taiwan Allies International Protection and Enhancement Initiative Act of 2019—

Chairman McCAUL. Without objection, the first reading of the bill is dispensed with. The bill is considered as read and open to amendment at any point. Is there any discussion of the bill?

Mr. Connolly is recognized. And let me say, Mr. Connolly, I know you weren't here at the beginning. But we extended our sincere sympathy to your staff for such a useless act of violence that should not be tolerated.

Mr. CONNOLLY. I want to thank you and the ranking member for your consideration. It is obviously a shocking event and traumatic for a staff. And we are recovering.

And I think I have been so impressed with the outpouring on both sides of the aisle including a conversation both with Mr. Hakeem Jeffries and Kevin McCarthy. And I really appreciate that, and I know my staff does as well. It is a risk we take, but it is a risk we shouldn't have to take.

And certainly our staff, shouldn't have to be experienced. So I very much appreciate the sentiments and I had it reported to me. Thank you.

Mr. Chairman, I am going to be real brief on this. This is an opportunity to make sure that Taiwan has an opportunity to participate in and contribute to international organizations, especially specialized international organizations like the WHO. Taiwan has developed expertise in so many fronts, and the world can benefit from that.

And it makes no sense to impede it. The People's Republic of China has used as a pretext the normalization of relations and the recognition of PRC as the legitimate government of all of China to block Taiwan. And I think that is contravention of the intent of Congress with respect to the Taiwan Relations Act.

So this bill is designed to correct that situation. I appreciate the fact that it is bipartisan and hope we can quickly come out of this markup in that bipartisan spirit and help Taiwan make its legitimate contribution without the impediment of the People's Republic of China. That is what this legislation is designed to do, and I yield back.

Chairman McCAUL. The gentleman yields. I strongly support this resolution—this bill, I should say. Twenty-three million people in Taiwan do not have a voice in international organizations.

As the gentleman pointed out, the Chinese Communist Party blocked Taiwan's participation in the United Nations, WHO, and other international organizations for decades. This hurts all of us as we saw with their aid during COVID. Taiwan has a lot to contribute to the global issues. This legislation amends the 2019 TAIPEI Act to clarify that U.N. Resolution 2758 does not address the issue of Taiwan's participation in the U.N. and related organizations.

U.N. Resolution 2758 merely States that the People's Republic of China, not the Republic of China, will sit in the China seat at the United Nations. It says nothing about membership for Taiwan or representations of its people. We do not stand for CCP propaganda that falsely claims that this resolution bans Taiwan from having a voice at the United Nations.

Legislation also instructs the U.S. Government to use the voice, the vote, and the influence of the United States to resist CCP propaganda at international organizations and to promote Taiwan's participation. I just came back recently from a trip to Taiwan to President Tsai. Saw the enormous stress that island is under from aggression from its neighbor to the north in Communist China.

And we saw an act of bravado with an armada surrounding the island and fighter jets. And I know Mr. Meeks had a similar experience with a former speaker Pelosi. But we will not let that intimidate us.

We will stand with Taiwan. With that, is there any further consideration? Mr. Wilson is recognized.

Mr. WILSON. Thank you, Mr. Chairman. And indeed, it is so refreshing to see Republicans and Democrats working together. What an honor to be associated with the former president of NATO Parliamentary Assembly, Gerry Connolly, and working together to promote the freedom and independence of Taiwan.

And I was born with a real appreciation of the people of China, the people of Taiwan. My father served in the Flying Tigers during World War II. He served in Kunming, Chengdu, Ceylon. And as I was growing up, he told me how hardworking the people of China are, how capable, and how inspiring the people of China are and his affection for the people of China. And so that extended, of course, to mainland and to Taiwan and then with the visits that I have had to Beijing, to Shanghai, to Hong Kong, to visits last year. I had the opportunity to visit in Taipei.

It is inspiring to see the development of the country but being held back by the Chinese Communist Party. And just again this resolution is one in favor of freedom of independent of Taiwan, 23 million people who deserve to have their independence. With that, I yield back.

Chairman MCCAUL. The gentleman yields. Any further consideration? Mr. Meeks, ranking member is recognized.

Mr. MEEKS. Thank you, Mr. Chairman. And I just want to reiterate to Mr. Connolly also. We did say something at the beginning of this markup.

But I cannot help but feel your spirit, Mr. Connolly as I look into your eyes all day. And the hurt in your heart about what took place of staff members who were just dedicating their lives to help. They are just in the office to help other constituents, to help people.

That is what they are there for. And to have someone to come in there to commit such a violent act is just incomprehensible. And I admire you still being here today despite it all to deal with this important amendment. Our hearts and our prayers are with you and your staff members.

I support this measure, and I want to thank Representative Connolly for his leadership in introducing this critical piece of bipartisan legislation which strengthens the foundation of the TAIPEI Act of 2019. Taiwan, a vibrant democracy and a valuable friend to the United States, has proven itself to be a responsible stakeholder on many accounts. The island has long been a force multiplier for good, leveraging its expertise and leadership to advance cooperation and solve global challenges and contribute to regional stability.

Unfortunately, the PRC has tried to limit and constrain Taiwan's meaningful engagement in the international space through coercive measures and disinformation. This bipartisan measure will not only counter the PRC's attempt to block Taiwan's international participation but bolster ongoing efforts to further strengthen our ties with Taiwan and encourage other nations around the world to do the same. Taiwan's inclusion in the global community not only benefits Taiwan's people but at a time of unprecedented global challenges advances our shared interest and promotes stability and prosperity in the region.

But voting affirmatively on this legislation today, Congress sends an important message that we remain committed to enhancing Taiwan's meaningful participation in the global community and support its diplomatic overtures. And again, I thank Representative Connolly for leading on these efforts. And I yield back the balance of my time.

Chairman MCCAUL. The gentleman yields. Any further discussion on the bill or resolution?

There being no further discussion, does any member wish to offer an amendment?

There being no amendments, I now move that the committee report H.R. 1176 to the House with a favorable recommendation.

All those in favor, signify by saying aye.

All those opposed, signify by saying no.

In the opinion of the chair, the ayes have it. The motion is agreed to.

Without objection, the motion to reconsider is laid on the table. Staff is authorized to make any technical and conforming changes. We have one vote rolled. So the committee will recess for approximately 15 minutes and reconvene to take the one vote.

[Recess.]

Chairman MCCAUL. The committee will come to order. Per agreement with the chair and ranking member, I ask unanimous consent to vacate the recorded vote on reporting H.R. 3203 as amended to the House, with a favorable recommendation on which the ayes prevailed by voice vote. Without objection, so ordered.

This concludes consideration of the measures noticed by the committee for today. And I want to thank all the members for participating. There being no further business to transact, the committee now stands adjourned.

[Whereupon, at 4:25 p.m., the subcommittee was adjourned.]

APPENDIX



**COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE MARKUP NOTICE**
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Michael T. McCaul (R-TX), Chairman

Revised

May 12, 2023

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN markup of the Committee on Foreign Affairs to be held at 10:00 a.m. in room 210 of the House Visitor's Center. The markup is available by live webcast on the Committee website at <https://foreignaffairs.house.gov/>.

DATE: Tuesday, May 16, 2023

TIME: 10:00 a.m.

LOCATION: HVC-210

MARKUP OF: H.R. 3205, To disrupt the international fentanyl supply chain, and for other purposes;
**

** H.R. 3203, To impose sanctions with respect to Chinese producers of synthetic opioids and opioid precursors, to hold Chinese officials accountable for the spread of illicit fentanyl, and for other purposes;

** H.R. 3202, To prohibit any official action to recognize or normalize relations with any Government of Syria that is led by Bashar al-Assad, and for other purposes;

H.R. 3099, To establish in the Department of State the position of Special Envoy for the Abraham Accords, and for other purposes;

H.Res. 81, Calling on the President to support the creation of a Special Tribunal for the Punishment of the Crime of Aggression against Ukraine;

** H.Res. 377, Calling for the immediate release of Evan Gershkovich, a United States citizen and journalist, who was wrongfully detained by the Government of the Russian Federation in March 2023;

- ** H.Res 272, Calling on the Government of the Russian Federation to immediately release United States citizen Paul Whelan; and
- ** H.R. 1176, To amend the Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 to provide that the United States, as a member of any international organizations, should oppose any attempts by the People's Republic of China to resolve Taiwan's status by distorting the decisions, language, policies, or procedures of the organization, and for other purposes.
- ** ~~H.R. 1779, To direct the President to impose sanctions against foreign persons determined to have knowingly engaged in significant corruption in Mexico, and for other purposes.~~

**Measures added/updated

*NOTE: Measures may be added

By Direction of the Chair

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-226-8467 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

Committee on Foreign Affairs

118th Congress

ATTENDANCE

Meeting on: Markup

Date: May 16, 2023

Representative	Present	Absent	Representative	Present	Absent
Mr. McCaul	X		Mr. Meeks	X	
Mr. Smith	X		Mr. Sherman	X	
Mr. Wilson	X		Mr. Connolly	X	
Mr. Perry	X		Mr. Keating	X	
Mr. Issa	X		Mr. Cicilline	X	
Mrs. Wagner	X		Mr. Bera	X	
Mr. Mast	X		Mr. Castro	X	
Mr. Buck			Ms. Titus	X	
Mr. Burchett	X		Mr. Lieu	X	
Mr. Green	X		Ms. Wild	X	
Mr. Barr	X		Mr. Phillips	X	
Mr. Jackson			Mr. Allred		
Mrs. Kim	X		Mr. Kim	X	
Mrs. Salazar	X		Ms. Jacobs	X	
Mr. Huizenga	X		Ms. Manning	X	
Mrs. Radewagen	X		Mrs. Chertoff-McCormick	X	
Mr. Hill	X		Mr. Stanton		
Mr. Davidson	X		Ms. Dean	X	
Mr. Baird	X		Mr. Moskowitz	X	
Mr. Waltz			Mr. Jackson	X	
Mr. Kean	X		Mrs. Kamlager-Dove	X	
Mr. Lawler	X		Mr. Costa	X	
Mr. Mills	X		Mr. Crow	X	
Mr. McCormick	X		Mr. Schneider	X	
Mr. Moran	X				
Mr. James	X				
Mr. Self	X				

To fill out this form online: Either use the tab key to travel through each field or mouse click each line or within blue box. Type in information.

COMMITTEE ON FOREIGN AFFAIRS MINUTES OF FULL COMMITTEE MARKUP

Note: Red boxes with red type will NOT print.

Day Tuesday Date 16 May 2023 Room HVC-210

Starting Time 1141 Ending Time 1625

Recesses ☐ (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Chairman McCaul

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

To select a box, mouse click it, or tab to it and use the enter key to select. Another click on the same box will deselect it.

BILLS FOR MARKUP: (Include bill number(s) and title(s) of legislation.)

Attached

COMMITTEE MEMBERS PRESENT:

Attached

NON-COMMITTEE MEMBERS PRESENT:

None

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

Attached

ACTIONS TAKEN DURING THE MARKUP: (Attach copies of legislation and amendments.)

Attached

RECORDED VOTES TAKEN (FOR MARKUP): (Attach final vote tally sheet listing each member.)

Subject

Yeas

Nays

Present

Not Voting

Attached

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 1625

Clear Form

Meg Wagner
Full Committee Hearing Coordinator

STATEMENT FOR THE RECORD FROM REPRESENTATIVE CONNOLLY

Markup
House Foreign Affairs Committee
10:00 AM, Wednesday, May 1
6, 2023
Rep. Gerald E. Connolly

H.R. 1176 - Taiwan International Solidarity Act

I thank Chairman McCaul and Ranking Member Meeks for placing this timely piece of legislation on today's markup. At the time of the UNGA Resolution 2758 (XXVI), 68 countries officially recognized Taiwan, or the Republic of China, where only 53 recognized the People's Republic of China. Nine years later, following the United States' decision under Nixon to officially recognize the Peoples Republic of China, the United States Congress passed the Taiwan Relations Act, legislation that continues to govern our relationship with Taiwan to this day.

The Taiwan International Solidarity Act makes an important step to strengthen our relationship with Taiwan, in the spirit of the Taiwan Relations Act, by clarifying that UNGA Resolution 2758 (XXVI) does not preclude the United States from using its vote, voice, and influence to resist the PRC's reckless campaign against Taiwan's inclusion in international organizations.

The PRC has leveraged its growing influence in the United Nations and international organizations to exclude Taiwan's meaningful participation in the international arena. Beijing has insisted routinely to international organizations and other countries that they only have agreed to uphold the PRC's "One China principle" when they accepted the PRC as a member state or established diplomatic ties. In fact, Resolution 2758 (XXVI) did not address the issue of representation of Taiwan and its people in the UN or any related organizations. By extension, the resolution neither took a position on the relationship between the PRC and Taiwan nor included any statement pertaining to Taiwan's sovereignty.

The Taiwan International Solidarity Act is a strong, bipartisan bill that brings together recommendations made in the Taiwan Chapter of the United States-China Economic and Security Review Commission 2020 Annual Report to support Taiwan's participation in international forums and assemblies. As Taiwan has sought a reversal to the revocation of its observer status at the World Health Assembly, as well as meaningful participation in organizations like ICAO and INTERPOL, this bill clarifies that the UNGA Resolution 2758 (XXVI) does not preclude the United States from opposing PRC efforts to exclude Taiwan's participation.

Delegates from Taiwan attended the World Health Assembly as nonvoting observers from 2009 to 2016, but in 2016, following the election of President Tsai, the PRC bullied other WHA members into rescinding Taiwan's invitation. We face unprecedented health threats in the United States and abroad, and Taiwan's distinct capabilities, public health expertise, democratic governance, and advanced technology all point to the commonsense advocacy on behalf of Taiwan's inclusion. As we combat emerging health threats worldwide, Taiwan's isolation from the preeminent global health forum is undermines effective cooperation on global public health.

The Taiwan International Solidarity Act would:

- Add a clarification on UNGA Resolution 2758 (XXVI) as having established the PRC as the lawful representative of China to the UN. The resolution neither addressed Taiwan sovereignty nor took a position on the PRC-Taiwan relationship.
- Instruct the US to use its voice, vote, and influence to resist the PRC's efforts to distort the decisions, language, policies, or procedures of international organizations [that may stem from a misinterpretation or distortion of Resolution 2758] regarding Taiwan.
- Encourage the US to work with allies and partners to oppose the PRC's efforts to undermine Taiwan's official diplomatic relationships and partnerships globally.
- Expand the reporting requirement to include information relating to any prior or ongoing attempts by the PRC to undermine Taiwan's participation in international organizations as well as its ties and relationships with other countries.

The Taiwan Relations Act made it the foreign policy of the United States to support Taiwan's capacity to defend itself, and notably did not prohibit the U.S. from supporting Taiwan's participation in international organizations. With an ever-bellicose Beijing saber rattling in the Taiwan Straits, last month carrying out mock drills that crossed the median line following President Tsai's meeting with Speaker McCarthy as she transited through California. This legislation marks another decisive statement from the United States Congress that any decision by the PRC to intimidate, bully, and exclude Taiwan will not be tolerated.

ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD

The Truth About Fentanyl Trafficking – Third Way

5/17/23, 3:35 PM

**MEMO** Published April 12, 2023 • 6 minute read

The Truth About Fentanyl Trafficking



Kylie Murdock
Special Advisor to Programs
[@kylieimmurdock](https://twitter.com/kylieimmurdock)

In February 2023, a 37-year-old woman was caught smuggling \$1 million worth of fentanyl and meth across the US-Mexico border into California in the fuel tank of her 2016 pickup

<https://www.thirdway.org/memo/the-truth-about-fentanyl-trafficking>

Page 1 of 9

truck.¹ She wasn't an undocumented immigrant trying to sneak across the border. She was a US citizen entering through the Andrade Port of Entry. And this is the rule, not the exception.

For 20 years, drug-involved overdose deaths have been on the rise in the United States, with fentanyl being the number one contributor since 2016. Fentanyl is a potent and easy to manufacture synthetic drug that is often cut with other drugs like cocaine and Percocet. Fentanyl accounted for 71,238 deaths in 2021, a 23% increase from 2020.² Republicans are blaming this sharp increase on what they call President Biden's "open border" policy, claiming that undocumented migrants are bringing fentanyl across the border.³ They point to large fentanyl seizures by Customs and Border Protection (CBP) as proof of such policy failures.⁴ But Republicans are once again ignoring the facts. Fentanyl is primarily being brought into the United States through legal ports of entry (official entrances) by US citizens. And seizures of large amounts of fentanyl should not be derided but celebrated as the Biden Administration's actions to combat fentanyl trafficking are strong and getting stronger.

On Fox News, on Twitter, at Congressional hearings, and on the House Floor, Republicans have been accusing the Biden Administration's immigration policy for the spike in fentanyl deaths in the United States. In this memo, we set the record straight.

Fentanyl Trafficking Is an American Crime

Republicans want voters to think that undocumented immigrants are running across the border with backpacks full of fentanyl.⁵ But here are the key facts:

- **United States citizens comprised 86% of fentanyl trafficking convictions in 2021.**⁶ 1,322 of the 1,533 charged fentanyl trafficking offenders were US citizens.⁷ Even the CATO Institute, a libertarian think tank, acknowledges this point. In fact, just 0.02% of people arrested by Border Patrol for illegally crossing possessed fentanyl.⁸

- **More than 96% of fentanyl seizures along the border since the start of fiscal year 2023 have been at legal US ports of entry.**⁹ Fentanyl is rarely carried over the border through the desert. It's being smuggled across legal points of entry inside seat cushions, car batteries, even inside the metal frame of a walker.
- **Fentanyl deaths have been on the rise for the past decade.**¹⁰ Overdose deaths from fentanyl aren't new or a unique Biden Administration problem. Fentanyl deaths have been increasing since 2014, with significant increases during the Trump Administration. From 2016 to 2020, fentanyl deaths in the US increased by 191%, compared to a 25% increase from 2020 to 2021.¹¹
- **90% of fentanyl seized by CBP was at U.S. border crossings into Arizona and California.**¹² While Texas Republicans point to undocumented immigrants in their state as fentanyl drug smugglers and traffickers, almost all fentanyl seized by CBP was at legal points of entry in Arizona and California.

Biden Administration's Fentanyl Crackdown is Moving Light Years Ahead of Trump's

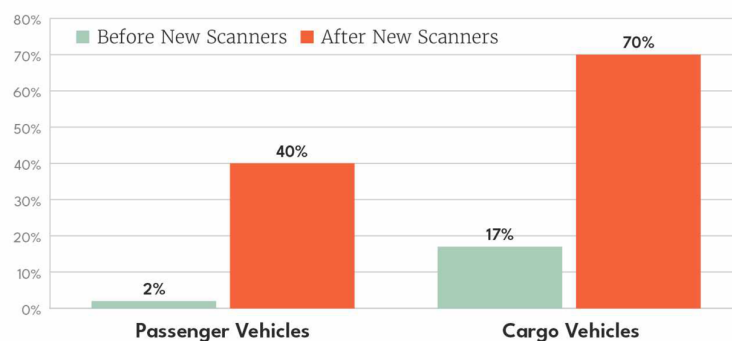
The Biden Administration has been proactive about securing our border and stopping the illegal flow of fentanyl and other drugs. Their actions on fentanyl are significantly tougher and more comprehensive than any previous administration, including Trump's.

- **In mid-March of 2023, the Biden Administration launched Operation Blue Lotus**, a new coordinated operation among Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), Homeland Security Investigations, and federal, state, tribal, and local law enforcement to target the smuggling of fentanyl. In just its first week, Operation Blue Lotus seized over 900 pounds of fentanyl and made 18 arrests.¹³ Arrests should be considered a success, not an indication of failure.

- **The Biden Administration is installing new border technology called multi-energy portals at ports of entry to allow CBP to scan six times as much cargo per day.** These scanners will ramp up US inspection from 2% of passenger vehicles and 17% of cargo vehicles to 40% of passenger vehicles and 70% of cargo vehicles, greatly increasing their ability to detect fentanyl or other drugs.¹⁴ Construction has already begun at some ports of entry, with the Biden Administration planning to install 123 new large-scale scanners by 2026.



Biden Administration Increases Scanning Capacity at Border Crossings



Source: Miroff, Nick. "U.S. deploys powerful scanners at border to fight fentanyl smuggling." The Washington Post, 9 Mar 2023. <https://www.washingtonpost.com/nation/2023/03/09/united-states-arizona-border-fentanyl/>. Accessed 3 Apr 2023.

- **President Biden recently announced his Fiscal Year 2024 budget, and unlike the House Freedom Caucus’s budget, it increases investments in border security.** His budget includes \$25 billion for CBP and ICE, \$800 million more than last year’s budget. It includes funds for CBP to hire 350 more border patrol agents, 150 more CBP officers, \$535 million for border technology, and \$40 million for combatting fentanyl trafficking.
- **Some other notable steps** include working with couriers like FedEx to inspect more packages for drugs, stronger penalties to crack down on fentanyl trafficking, federal funding to make fentanyl testing strips easily accessible, and increased funding for regional efforts to disrupt drug trafficking organizations.¹⁵

Republicans Slash Funding to Fight Fentanyl

While House Republicans haven’t released an official budget yet, it’s likely they’ll propose returning to Fiscal Year 2022 funding levels. This would likely mean significant cuts to CBP’s budget and personnel as well as federally funded substance use treatment and prevention programs.

In a letter to House Appropriations Ranking Member Rosa DeLauro, the Department of Homeland Security detailed the impacts of these funding cuts. CBP would be forced to implement a hiring freeze and cut up to 1,000 CBP Officers and 1,400 Border Patrol Agents.¹⁶ Over \$640 million in border security technology would no longer be operational due to resource cuts.¹⁷ Agents would have to reduce vehicle inspections at ports of entry due to limited capacity, allowing more drugs like fentanyl to be smuggled into our country.

The Republican budget would also make significant cuts to substance use treatment and prevention programs, a very important tool in reducing overdose deaths. The State Opioid Response grant program would see their budget slashed by 22%, denying more than 29,000 people admission to opioid use disorder treatment.¹⁸ This would undoubtedly lead to a rise in fentanyl deaths.

Conclusion

Despite what Republicans want Americans to think, we do not have “open borders,” and the Biden Administration and undocumented immigrants aren’t the reason we have a fentanyl problem in our country. Fentanyl is primarily brought into the country by US citizens at official border crossings. The Biden Administration is proactively investing resources at these crossings to slow the flow of fentanyl. Republicans are just interested in fearmongering and grandstanding, not actually addressing the fentanyl crisis.

TOPICS

JUSTICE 45

APRIL 11, 2023

FACT SHEET: Biden-Harris Administration Announces Strengthened Approach to Crack Down on Illicit Fentanyl Supply Chains

At a time when the global illicit fentanyl supply chain has changed how illicit substances are produced and trafficked, the Biden-Harris Administration is announcing a strengthened whole-of-

government approach to save lives by disrupting the trafficking of illicit fentanyl and its precursors into American communities. This approach builds on the President's *National Drug Control Strategy* and helps deliver on his State of the Union call to beat the opioid and overdose epidemic by cracking down on the production, sale, and trafficking of illicit fentanyl to help save lives, protect the public health, and improve the public safety of our communities.

Less than a decade ago, the supply of illicit drugs was dominated by plant-based drugs, such as heroin and cocaine, or illicit synthetic stimulants, like methamphetamine. These drugs were produced in crude labs, packaged, and then moved into the United States through an illicit production and distribution process managed by established, hierarchical drug trafficking organizations.

Today, the drugs most responsible for killing Americans are illicit synthetic opioids like fentanyl and its analogues, which are easier to produce and

transport and also significantly more lethal. The nature of these drugs, and their ease of access and potency, presents a national security, public safety, and public health threat. While the old trafficking structures still exist, the producers and traffickers of these illicit synthetic drugs now regularly exploit lawful global commercial distribution networks to sustain and enhance their illicit business.

Over the last two years, the Biden-Harris Administration has prioritized a whole-of-government evidence-based strategy to address untreated addiction, prevent drug deaths, and dismantle drug trafficking production and supply chains. In close collaboration with State, Territorial, Local, and Tribal partners, this Administration has expanded access to prevention, harm reduction where not prohibited by law, treatment, and recovery services; emphasized private sector collaboration; invested significant amounts of funding for law enforcement efforts to combat illicit fentanyl trafficking; and enabled historic seizures of illicit fentanyl on

the border. These actions have contributed to a steady decrease or flattening in overdose deaths for seven straight months of reporting.

To build on the trend of decreasing overdose deaths, the Administration is cracking down on illicit fentanyl supply chains by:

- **Leading a coordinated global effort with international partners to disrupt the illicit synthetic drug trade.** Building on the Biden-Harris Administration's work to successfully schedule nearly a dozen precursor chemicals with global partners through the United Nations' Commission on Narcotic Drugs, the United States is building a global coalition to accelerate efforts against illicit synthetic drugs and employing bilateral and multilateral approaches to prevent illicit drug manufacturing, detect emerging drug threats, disrupt trafficking, address illicit finance, and respond to public safety and public health impacts. This global coalition will develop solutions, drive national actions, and create synergies and

leverage among like-minded countries who agree that countering illicit synthetic drugs must be a global policy priority.

- **Strengthening coordination and information-sharing among U.S. intelligence and domestic law enforcement agencies.** It is essential to improve coordination and information/intelligence sharing across the Federal government and with State, Territorial, Local, and Tribal partners to strengthen our ongoing investigative and analytical efforts to target drug traffickers and dismantle their networks. The Biden-Harris Administration will improve tracking of pill presses and their spare parts, including die molds, used to transform powder fentanyl into pills, in collaboration with state and local law enforcement; strengthen Federal law enforcement coordination to increase seizures of bulk cash being smuggled at the Southwest Border; and better track and target the origins, shipments, and destinations of precursors and equipment used to produce illicit fentanyl and its analogues, including

by enhancing collaboration across the Federal government's targeting, screening, and analysis programs.

- **Accelerating work with the private sector globally.** Illicit drug traffickers often use legitimate commercial enterprises to access significant capital resources, collaborate with raw material suppliers across international borders, use technology to fund and conduct business, and innovate production and distribution strategies to expand their markets. To disrupt these criminals' access to capital and materials, the Biden-Harris Administration is launching a whole-of-government effort, in partnership with the private sector, to strengthen cooperation with international and domestic express consignment carriers to interdict more illicit substances and production materials; educate companies on safeguarding against the sale and distribution of dual-use chemicals and equipment that could be used to produce illicit fentanyl; and intensify global engagement with private chemical industries.

- **Further protect the U.S. financial system from use and abuse by drug traffickers.** Drug traffickers, who are primarily driven by profits, require significant funds to operate their illicit supply chains. The Biden-Harris Administration will expand its efforts to disrupt the illicit financial activities that fund these criminals by increasing accountability measures, including financial sanctions, on key targets to obstruct drug traffickers' access to the U.S. financial system and illicit financial flows. We will also strengthen collaboration with international partners on illicit finance and anti-money laundering efforts related to drug trafficking.
- **Continue to call on Congress to close legal loopholes for illicit synthetic drugs.** Traffickers are continually altering the chemical structure of fentanyl to evade regulation and prosecution under the Analogue Act, sometimes with tragic results. Congress temporarily closed this loophole by making all fentanyl-related substances Schedule I. However, this measure expires on

December 31, 2024. The Administration continues to call on Congress to permanently schedule all illicitly produced fentanyl-related substances into Schedule I and to take other complementary actions to enhance public health and public safety, consistent with the comprehensive proposal developed jointly in 2021 by the Department of Justice, Department of Health and Human Services, and the Office of National Drug Control Policy.

These actions build on the progress made by the Biden-Harris Administration to reduce the supply of illicit drugs:

- The Department of Justice-led Organized Crime Drug Enforcement Task Forces coordinated 427 joint investigations involving fentanyl in Fiscal Year (FY) 2022, leading to 3,961 defendants, 3,337 convictions, and 130 fentanyl network disruptions or dismantlements.
- The Department of Homeland Security's (DHS) Operation Blue Lotus, a new and robust surge

operation, launched on March 13th to target illicit fentanyl. Led by U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI), and working with federal, state, tribal and local partners, DHS is investing additional personnel, technology, and other resources along the southwest border to detect and seize illicit fentanyl at and between ports of entry. In its first week, Operation Blue Lotus stopped more than 900 pounds of illicit fentanyl from coming into the United States.

- The Drug Enforcement Administration seized over 57.5 million fentanyl-laced, fake prescription pills and 13,740 pounds of fentanyl powder in calendar year 2022.
- CBP seized 14,700 pounds of fentanyl in FY 2022, which is an approximate 31 percent increase from the amount seized in FY 2021 (11,201 pounds).
- HSI seized more than 21,000 pounds

of fentanyl in FY 2022 by targeting the supply chains responsible for foreign-origin shipments of fentanyl and their precursor chemicals.

- The U.S. Postal Inspection Service (USPIS) seized approximately 150 percent more fentanyl in FY 2022 than the prior year. The majority of these seizures were mailed domestically from the Southwest Border region of the United States. USPIS has created a Southwest Border Initiative to stop the influx of illicit synthetic opioids smuggled across the U.S.-Mexico border then placed in the domestic mail system to be distributed within the United States.
- The White House Office of National Drug Control Policy (ONDCP)'s High Intensity Drug Trafficking Areas program reported seizures of more than 26,000 pounds of fentanyl in the last year.
- The Department of the Treasury's Office of Foreign Assets Control has designated nearly 100 individuals and entities for their role in the illicit drug trade, including trafficking

fentanyl and precursor chemicals, pursuant to Executive Order 14059 “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” signed by President Biden in December 2021. This E.O. builds on two decades of deliberate and impactful sanctions imposed pursuant to the Foreign Narcotics Kingpin Designation Act. These designations included individuals and entities tied to major trafficking organizations such as the Sinaloa and Jalisco New Generation cartels, along with their key global enablers and facilitators.

- The Department of State has rallied the global community at the UN Commission on Narcotic Drugs to place international controls on 14 key fentanyl analogues and precursors since 2016, leading efforts around the world to stop the spread of illicit synthetic opioids through more consistent controls by foreign governments.

In addition to these actions to reduce the supply of drugs, the Administration is accelerating public health initiatives

to save lives, for example by:

- Equitably expanding availability and access to opioid overdose reversal products, including the first nonprescription drug approval of naloxone, and delivering more life-saving naloxone to communities hit hard by fentanyl.
- Launching a national campaign to educate young people on the dangers of fentanyl and how naloxone can save their lives.
- Working to close the addiction treatment gap by working with medical professionals to make prescribing proven treatments for opioid use disorder part of routine health care delivery, and ensuring that manufacturers, wholesalers, and pharmacies are making medications available to everyone with a prescription. This also includes providing addiction treatment while individuals are in jails and prisons, and continuing their treatment in their communities, which has been proven to decrease overdose deaths, reduce crime, and increase

employment during reentry.

To support this Administration's *Strategy* and to address illicit fentanyl, President Biden has called on Congress to make an historic investment of \$46.1 billion for National Drug Control Program agencies, overseen by the White House ONDCP. The FY24 budget request represents a \$5 billion increase from the FY22 request and a \$2.3 billion increase over the FY23 enacted level. The FY24 budget includes more funding for efforts to reduce the supply of illicit drugs like fentanyl and stop drug trafficking. It also includes greater funding to support the expansion of prevention, treatment, harm reduction, and recovery support services.

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September 14, 2022

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Ave.
Washington, D.C. 20500

Dear Mr. President:

As attorneys general of our respective states, we are deeply involved in the fight to end the national opioid crisis. Collectively, as a group on a bipartisan basis, we recently concluded several large, historic settlements that will give each of us resources to battle this crisis. As you well know, the national opioid crisis is not and has not been a static event. Instead, the opioid epidemic in this country has evolved over time from prescription opioids to heroin to synthetic opioids, namely fentanyl. Currently, fentanyl is exacerbating the death toll increasing exponentially every year for the last several years. The purpose of this letter is to propose an unorthodox solution that may help abate or at least slow the crisis's trajectory while also protecting Americans from a mass casualty event from fentanyl. We ask that you consider classifying illegal fentanyl as a weapon of mass destruction or, if you conclude you do not have authority to do so, urge Congress to pass legislation to do so.

According to the New York Times, the supply of tainted pills, crudely pressed and shipped to the U.S. by Mexican cartels using chemicals from China and India, has escalated dramatically in recent years.¹ While record amounts of fentanyl have been interdicted by law enforcement in the last year,² the historic number of overdose deaths from fentanyl demonstrate that large amounts of fentanyl are still entering the United States. Enough fentanyl has been seized in the last year to kill every man, woman, and child in the United States several times over. Indeed, given fentanyl's lethality, the amounts being interdicted and seized are inconsistent with what one would expect from drug trafficking activity and are indicative of either purposeful conspiracy to murder Americans or an effort to stockpile a dangerous chemical weapon.

¹ <https://www.nytimes.com/2022/05/19/health/pills-fentanyl-social-media.html>

² <https://www.dea.gov/press-releases/2022/04/06/dea-warns-increase-mass-overdose-events-involving-deadly-fentanyl>; <https://www.cbp.gov/newsroom/local-media-release/cbp-officers-south-texas-ports-entry-post-significant-increases-0>; <https://gov.texas.gov/news/post/operation-lone-star-seizing-record-amounts-of-fentanyl-dps-crime-lab-finds-fentanyl-in-most-street-drugs>.

Due to the low cost of production, inherent lethality and vast availability of the substance, fentanyl would be an ideal choice for bad actors to use as a chemical weapon. We are aware of scenarios that different federal and state agencies have considered utilizing and causing mass casualty events. Just two milligrams of fentanyl is needed to kill an adult, and it can easily be placed in other substances. In fact, it already is—according to reports, at least one-third of illicitly manufactured pills are contaminated with fentanyl—users often have no idea that they are consuming this poison.³ In addition to different government agencies looking at fentanyl related scenarios, fentanyl has already been used as a weapon—the Russian army used it to end a hostage crisis two decades ago, killing more than 120 hostages in the process.⁴ The threat of a state enemy using this drug to do harm to the American people cannot be understated.

Designating fentanyl as a weapon of mass destruction would require the Department of Homeland Security and the DEA to coordinate with other agencies or parts of agencies, including the Department of Defense, about fentanyl. Thinking about curbing the problem in different, new ways may disrupt what the foreign companies and drug cartels involved are doing or at least make it more expensive or difficult. While those agencies would develop federal policy, one could imagine techniques utilized to prevent proliferation or to detect the transportation of existing weapons of mass destruction could be used with fentanyl.

We understand that there are two main criticisms against declaring fentanyl a weapon of mass destruction: (1) that fentanyl is a drug control problem, and we are attempting to solve a drug control problem by classifying the substance, which has legitimate, limited uses as a weapon; and (2) that no state or non-state actor has weaponized fentanyl other than the Russian incident discussed above. As to the first criticism, the fact that classifying fentanyl would have an ancillary effect of preventing the deaths of tens of thousands of Americans would be an additional, beneficial reason to classify fentanyl. Given fentanyl's lethality, low cost, and abundant availability, waiting for some state or non-state actor to utilize it as weapon before it is classified as such seems to be the same type of reasoning that kept the government from investigating foreign nationals learning to fly, but not land planes in the lead up to September 11th.

We are deeply troubled by the threat that fentanyl poses to America. The seriousness of that threat is informed by the fact that in the 12-month period ending in Feb. 2022, more than 75,000 Americans died from overdose of synthetic opioids, mainly fentanyl.⁵ With statistics this staggering, we cannot forget that each number represents a human life, and thousands of families and loved ones struggling with incomprehensible loss. Fentanyl is the number one killer of adults 18-45.

Like many other states across this country, fentanyl has hit the State of Florida hard, and the death toll is increasing at an alarming, exponential rate. In 2020, fentanyl related overdose

³ <https://www.npr.org/sections/health-shots/2022/04/12/1092309418/teen-drug-overdose-deaths-rose-sharply-in-2020-driven-by-fentanyl-laced-pills>

⁴ <https://www.nytimes.com/2002/10/29/world/hostage-drama-in-moscow-the-toxic-agent-us-suspects-opiate-in-gas-in-russia-raid.html>; <https://www.baltimoresun.com/news/bs-xpm-2002-10-31-0210310178-story.html>.

⁵ <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>

deaths increased by 59 percent to 5,806.⁶ In the first six months of 2021, deaths related to fentanyl increased again to more than 3,210.⁷ Last month, within 24 hours, 19 people overdosed on fentanyl with nine people dying in rural Gadsden County, Florida.⁸ Only seven days later, police in Tampa responded to a convenience store where seven people were found unresponsive after unknowingly overdosing on fentanyl.⁹ That followed other mass fentanyl poisoning events across the country, including another overdose event in Florida in March involving five vacationing West Point cadets, including two who were simply attempting to resuscitate their comrades.¹⁰

During the same period, fentanyl-involved deaths increased 18.3 percent in Connecticut from 2019 to 2020, and another 13.2 percent from 2020 to 2021. In 2021, 1,312 Connecticut accidental intoxication deaths involved fentanyl.¹¹ And like Florida, Connecticut has experienced its share of horrific stories involving fentanyl. As just one example, in January of this year, police found 100 bags of fentanyl in the bedroom of a 13-year-old boy who suffered a fatal fentanyl overdose at a Hartford, Connecticut school. Police found an additional 60 bags of highly potent fentanyl hidden in areas throughout his school.¹²

Treating this solely as a narcotics control problem has failed to curb the proliferation of increasing quantities of chemicals that can cause a mass casualty event. Your own DEA Administrator has called fentanyl “the deadliest threat [the DEA] ha[s] ever seen.”¹³ We should treat it as such—thus bold action must be taken. We must not sit idly by until a terrorist chooses to inflict harm using this substance on a large group of Americans—our countrymen are already dying from this poison. We cannot wait for tragedy to strike when proactive steps can be taken now to preserve American lives. We urge you take immediate and decisive action and declare fentanyl a weapon of mass destruction.

Sincerely,



Ashley Moody
Florida Attorney General



William Tong
Connecticut Attorney General

⁶ <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2020-Annual-Drug-Report-FINAL.aspx>.

⁷ <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2021-Interim-Drug-Report-FINAL.aspx>.

⁸ <https://www.tallahassee.com/story/news/2022/07/05/gadsden-county-fentanyl-drugs-overdose-deaths-florida-quincy-havana-narcan-chattahoochee-gretna/7808948001/>. Gadsden County is a small North Florida county that was spared most of the worst of the opioid crisis.

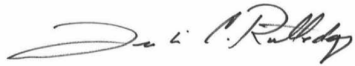
⁹ <https://www.wfla.com/news/hillsborough-county/7-found-unresponsive-in-tampa-after-consuming-bad-drugs-police-say/>.

¹⁰ <https://www.washingtonpost.com/nation/2022/03/12/west-point-cadets-overdose-fentanyl/>.

¹¹ <https://portal.ct.gov/-/media/OCME/Statistics/Calendar-Years.pdf>.

¹² <https://abcnews.go.com/Health/100-bags-fentanyl-found-bedroom-13-year-died/story?id=82490833>.

¹³ <https://video.foxnews.com/v/6309584306112#sp=show-clips>.



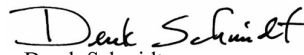
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VICTIMS OF ILLICIT DRUGS
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Media Release

Statement of Organizational Support
For Immediate Release

Project Precursor Act (PPA)
The Honorable Michael McCaul,
Member of Congress. 10th District of Texas

Victims of Illicit Drugs (VOID) is a California non-profit corporation, formed by a group of bereaved parents who have lost a child to fentanyl poisoning. Its primary focus is on spreading national awareness of the continuing scourge confronting our society, and active involvement in support of appropriately targeted legislative efforts.

To that end, our leadership thanks Congressman McCaul, for his leadership in countering the massive fentanyl drug trafficking threat to the United States and heralds the introduction of the Project Precursor Act (PPA).

VOID President, Jaime Puerta, notes that:

“The PPA calls on the US Department of State to finally demand that Fentanyl, its analogs, and precursors be characterized as what they truly are; chemical weapons, annihilating a generation of future Americans. From this characterization, Fentanyl has become a de facto tool of orchestrated mass murder. The cartels may be in it for the money, but Communist China seems to view this as a ‘reverse Opium War.’ The Project Precursor Act would give the President not only a mandate to approach stopping the fentanyl flow but at the same level of priority occurring in countering weapons of mass destruction.

It also will empower huge sanctions authority against complicit banks in Mexico and the United States involved in funneling Cartel finances.”

VOID Vice President, Amy Neville, adds, “The Cartels are businesses in it for the money and rely on banking institutions to launder and manage their hundreds of billions in accumulated drug profits. The key to disrupting the fentanyl trafficking business for the Cartels is to attack their money, along with the activities of complicit banks, bankers, and bank accounts, with the aim to put them out of business.” VOID Senior Advisor, Gretchen Peters, underlines, “This legislation will be a vital step forward and deserves strong bipartisan support.”

According to former senior State Department, DEA investigator and Hudson Institute Asia expert, Dr. David Asher, “Non-Medical Fentanyl is a chemical weapon in the eyes of Beijing. Any fentanyl-laced products produced outside of a medically regulated supply chain with Chinese chemical precursors should be seen as such. The Chinese government announced a ban on Fentanyl and related precursors in May of 2019 but has allowed illicit fentanyl precursors to flow into the hands of the Mexican Cartels ever since, fully knowing that these chemicals would lead to tens of thousands of deaths among America’s youth — a level of mass destruction of young people not seen since US involvements in World Wars. China and its Mexican Cartel partners need to be held accountable for mass murder.”

VOID recognizes the government of the People’s Republic of China, under President Xi has absolute and authoritarian enforcement powers. By explicit legal decree, all companies in Communist China fall under State control. Beijing can’t argue by any stretch of the imagination, given such draconian power, that it is powerless to stop the flow of fentanyl precursors. VOID demands that the PRC demonstrate its ability to absolutely enforce export controls and stop the flow of precursors into the hands of the Cartels. Failure to do so will eventually compel the US Government to take even stronger action. The death and destruction occurring from the illegal distribution of this poison, are simply too great to be ignored any longer by the American people and its lawmakers.

VOID urges swift movement in advancing the proposed legislation contained in the “Project Precursor Act”. Its methods will soundly, and adversely impact the continued and escalating illegal distribution of this weapon of mass destruction which continues, virtually unabated in our society.

(Follow-up inquiries should be made to Jaime Puerta, President, at 951-314-3044)

Foreign Aid Can't Stem Illegal Immigration: The Case of Guatemala

Report [Americas](#)

Foreign Aid Can't Stem Illegal Immigration: The Case of Guatemala

April 6, 2023 18 min read

Authors: [Max Primorac](#) and [Mateo Haydar](#)

Summary

The three Northern Triangle countries—Guatemala, Honduras, and El Salvador—account for at least one-third of all U.S. southern border encounters, totaling more than 500,000 illegal migrants from the region every year. In 2022, nearly half came from Guatemala. With a 600-mile porous and densely forested border with Mexico to the north and borders with Honduras and El Salvador to its south, Guatemala is a geographic chokepoint, a linchpin “second U.S. southern border” for northbound migration, drug trafficking, and human trafficking. If the United States wants to reduce illegal immigration from Central America, it must secure the border, enforce U.S. immigration laws, and revive its border agreements with its southern neighbors. Foreign aid is not the solution to the border crisis.

Key Takeaways

Since 2021, U.S. policy toward Guatemala has been largely driven by the Administration’s “root causes” strategy—which increased foreign aid.

Expanding foreign aid while maintaining failed border policies, however, has not curbed illegal immigration, nor drug trafficking and human trafficking.

Instead of just continuing foreign aid, the U.S. must secure its border, enforce its immigration laws, and revive its border agreements with its southern neighbors.

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Since 2021, U.S. policy toward the countries of the so-called Northern Triangle—Guatemala, Honduras, and El Salvador—has been largely driven by the Biden Administration’s “Strategy to Address the Root Causes of Migration.”^{REF} This strategy includes a robust U.S. foreign aid package with Vice President

Kamala Harris's 2021 "Call to Action" to promote U.S. investment as the long-term solution to stemming illegal migration to the United States.REF

The Administration's root causes strategy, announced in February 2021, is in fact a placeholder for abandoned U.S. efforts to secure the border, enforce existing U.S. law, and advance cooperation agreements with U.S. partners amid the border crisis. In December 2022, total border encounters for the year soared to the highest number ever recorded in U.S. history—251,487 southwest land-border encounters—and fiscal year 2023 encounters, specifically from the Northern Triangle, remain higher than in the months before President Joe Biden took office.REF

Expanding foreign aid while maintaining failed border policies, however, has not curbed illegal immigration, nor has it stemmed lethal drug-trafficking and human-trafficking flows.REF Moreover, the Biden Administration's aid efforts have failed to meet its own criteria of addressing the economic push factors of illegal migration while being misused to export its progressive radical ideology.

This Backgrounder's analysis and recommendations are based on the authors' recent research trips to Guatemala made over the past year and dozens of interviews conducted with civil society, think tank, media, faith, and business leaders, as well as government officials.

Why Guatemala and the Northern Triangle Matter

Given their proximity to the United States, the three Northern Triangle countries account for at least one-third of all U.S. southern border encounters, totaling more than 500,000 illegal migrants from the region every year.REF In 2022, nearly half came from Guatemala. With a roughly 600-mile porous and densely forested border with Mexico to the north and borders with Honduras and El Salvador to its south, Guatemala is a geographic chokepoint, a linchpin "second U.S. southern border" for northbound migration, drug trafficking, and human trafficking.

With a gross domestic product (GDP) of \$86 billion, Guatemala is Central America's largest economy and largest recipient of U.S. foreign aid. In 2021, Guatemala received a record \$15 billion in remittances, largely from immigrants in the U.S., both legal and illegal, dwarfing the amount that the U.S. and other donors give in foreign aid and constituting 18 percent of Guatemala's GDP—a key disincentive for the government to pursue pro-growth and inclusive economic policies.

That said, Guatemala is the only one of the three countries that has never been led by far-left allies of the dictatorships in Cuba and Venezuela and that has been a steadfast ally of the United States. In addition, Guatemala followed America's lead in recognizing Jerusalem as Israel's capital and in designating Hezbollah as a terrorist organization,REF and it was the first country in the region to send a head of state to visit Ukraine after Russia's invasion.REF Conservatives will note its staunch pro-life government policies.REF Today, Guatemala is a key partner in countering China's growing influence, as the largest country in the world to formally recognize Taiwan. This contrasts sharply with El Salvador, which switched recognition from Taiwan to China in 2018, and from Honduras, whose leftist president vowed to switch over this March.REF

“Root Causes” and the Partnership for Central America

In February, Vice President Harris announced \$4.2 billion in private-sector commitments as proof that the Administration’s root causes strategy is working. The Vice President also announced the Central America Forward framework, the latest in a series of root causes measures since being charged by President Biden with managing the border crisis. In 2021, she announced the Partnership for Central America (PCA) with the aim of mobilizing the private sector to invest in the region.REF A closer look reveals a far more modest record of achievement than touted by the Administration.

The framework’s stated objective to “create and secure jobs for one million individuals by 2032”REF in the three countries is an example. That objective would be roughly 300,000 to 350,000 jobs created in each country within a decade. The problem with the math is that Guatemala alone, with a population of more than 17 million, sees an additional 200,000 individuals enter the labor market every year, while the economy generates only 30,000 additional formal sector jobs annually. If the Administration’s aim is to curb emigration, 350,000 possible jobs in Guatemala over 10 years will not stop the other hundreds of thousands entering the labor market from emigrating.

Even then, \$4.2 billion in new U.S. private investment would still be an amazing feat. But it is unclear that this is actually the case. These are “commitments,” not finalized deals, expressing an intent to invest, not actual investments. Worse, several companies and private-sector officials described that they had been invited to participate in the Call to Action, but this simply meant that their pre-existing investment plans would count toward “commitments” to the PCA. Most of the firms listed were already operating in the region. While the PCA may be drawing some investors, the full list of commitments released by the Administration has little to do with Administration policy.

Finally, the Administration said that it will use the U.S. International Development Finance Corporation (DFC), a development bank launched by the Trump Administration to compete with China, to finance private-sector-led projects. After slow-rolling the Trump Administration’s America Crece (Growth in the Americas) Program, a hemispheric initiative to catalyze large-scale private-sector investment in energy and infrastructure projects, including \$1 billion in DFC loans just for Guatemala, only \$200 million of the funds have since been released.REF

Foreign Aid and Woke Funding

Since 2021, the Biden Administration has disbursed more than \$1 billion in combined foreign aid to Northern Triangle countries. While branded as part of its new strategy, these aid programs are reminiscent of the Obama-era Alliance for Prosperity (A4P), launched in 2014 to similarly “attend to the structural causes of irregular migration” through a smorgasbord of aid programs for governance, human rights, security, economic aid, and anti-corruption efforts. A4P was launched amid the crisis of unaccompanied minors at the U.S. southern border that year largely from the three countries. It, too, failed to curb illegal immigration, which would not drop until the Trump Administration’s border policies came into effect.REF

A4P also had a troubling record of funding leftist organizations that created local distrust of U.S. foreign aid that still acutely resonates today.REF Between 2010 and 2014, for example, the U.S.-funded Inter-American Foundation provided \$395,000 to the Committee for Peasant Development (CODECA), a radical leftist activist group previously led by socialist presidential candidate Thelma Cabrera.REF CODECA seeks to “nationalize all goods and services privatized in the country,”REF a communist tenet and an approach inconsistent with economic growth. CODECA has been implicated in criminal activity including electricity theft in rural Guatemala.REF The A4P poured millions into ideology-driven programs related to gender activism, climate, and “reproductive health” that alienated deeply religious Guatemalans.REF

Since 2021, the U.S. has disbursed \$476 million in foreign aid to Guatemala. These funds are disbursed through multiple federal agencies, mostly the U.S. Department of State and U.S. Agency for International Development (USAID), but are implemented through for-profit contractors, international nongovernmental organizations (NGOs), and United Nations agencies. There are many similarities between A4P and the current strategy. Despite years of American assistance, more than half of the children in Guatemala still suffer from chronic malnutrition, one of the highest rates in the world.REF Guatemala lags behind in economic freedom, particularly in property rights, rule of law, and labor.REF Notably, there is a direct relationship between poor economic performance and migration in these countries. Current aid efforts have not catalyzed economic reforms that will put the country on a path to growth, while millions are spent on woke ideology-driven initiatives.

Climate. Since 2021, the United States has obligated roughly \$30 million in climate and environment-related programs in Guatemala. This includes programs designated for categories unrelated to climate according to U.S. Foreign Assistance data.REF One example is Save the Children, which receives U.S. funding for education, while its programs promote radical climate activism in classroom programs for young children, calling climate change a “grave threat.”REF While the Administration boasts jobs created from U.S.-funded conservation programs, most of these are short-term seasonal jobs. Russia, meanwhile, has made significant gains in Guatemala’s mining sector, including the Izabal Biosphere Reserve with large deposits of nickel needed for powering electric vehicles as well as uranium to fuel clean nuclear power.REF

Identity-Based Activism. Aid dollars are supporting identity-based activism. The Consortium for Elections and Political Process Strengthening receives funding for electoral reform projects in Guatemala as the country prepares for national elections later this June.REF While it is indeed important to support electoral transparency in Guatemala amid recent news of election interference from China and Russia in other countries of the hemisphere, USAID’s Deputy Administrator publicly boasts that the project promotes LGBTQI+ and “intersex” legal reforms and partners with gender activists.REF

Under “education,” USAID financed Asociación Lambda, which has trained hundreds of political leaders on gender identity and sexual orientation.REF Against the country’s conservative norms, Guatemalan judges now use a “gender perspective” for legal cases.REF Similarly, according to congressional sources, the State Department listed a \$909,690 grant in 2022 to the LGBTQ+ Victory Institute, which trains and

supports leftwing candidates in several Latin American countries, including members of the Guatemalan congress. Another large recipient of U.S. foreign aid, CARE International, is building a regional \$50 million center in the region to promote “gender equity.”^{REF} CARE, including its current CEO, is known for maintaining intimate ties to Democratic Party leaders, promoting strict racial quotas in its hiring policies, and defining gender as “nonbinary.”^{REF} Widespread polling and research show that Guatemalans emigrate primarily for economic or security reasons, not because of gender identity or discrimination.^{REF}

Abortion and “Reproductive Health.” Last year, Guatemala declared itself “the pro-life capital of Latin America.”^{REF} Nevertheless, that year about \$11 million in U.S. foreign assistance to the country went to NGO-led “reproductive health” programs. Guatemala has a constitutional ban on abortion.^{REF} While this makes funding for abortion illegal, the lack of transparency in U.S. aid programs, such as not publicly listing subaward recipients, raises the question of potential pro-abortion activities being supported under the rubric of reproductive health as abortion advocates equate the availability of abortion with reproductive health.^{REF}

Other U.S.-funded initiatives, such as Health Policy Plus, focus on sexual and reproductive health. In September, the Biden Administration announced an additional \$50 million for the U.N. Population Fund. Both groups promote abortion. One USAID partner, Banyan Global, delivered a study in 2018 with recommendations for the Guatemalan government to promote “reproductive rights in education.”^{REF} Over the past decade, USAID has also partnered with U.N.-funded organizations to promote a National Condom Strategy and other divisive education manuals advocating “reproductive rights” and “sexual health.” These programs blatantly contradict religion-based norms in the 95 percent conservative Catholic and Protestant country.

Supporting the Left. Partnering with organizations like Forests for All Forever and the FSC Indigenous Foundation, USAID has also actively supported initiatives promoting ancestral land claims that could undermine Guatemala’s already weak property rights system. Politically directed land invasions run rampant in the country and undercut major job-generating development projects, especially in rural areas where poverty is most acute.^{REF} Only 4 percent of municipalities have completed land records, a situation that benefits illicit actors who can exploit untitled land as key trafficking routes. The country’s weak property rights disproportionately affect poor Guatemalans who hold small plots of land, but, without title, are unable to leverage them as working capital.^{REF} Strengthening Guatemala’s property rights would be a boon to the country’s poor and help to transition the country away from international food aid.

In January 2021, USAID headlined an event to discuss a “plurinational constituent assembly,” in line with the “indigenist” agenda of leftist radical groups. Plurinationalism has been manipulated by leftwing governments in Chile and Bolivia to undermine democratic constitutions.^{REF} While the Administration claims to address the root causes of migration, supporting leftwing NGOs and activists undercuts pro-U.S. allies in Guatemala and sustains ideologies that are anathema to market-based economic growth.

Strategic Concerns. Meanwhile, China and its allies are expanding their influence in the Northern Triangle. China has invested more than \$700 million in Guatemala's technology sector^{REF} and its state-affiliate Huawei is rapidly dominating the cellular device market transforming Central America into an exclusive Chinese IT zone. In 2020, despite Guatemala's ties to Taiwan, Huawei inaugurated a telecoms tower with the Guatemalan government to train technicians for 4G and 5G spectrum networks, laying the groundwork for China to win future spectrum bids.^{REF}

While the U.S. Treasury Department recently issued individual sanctions against two Russian and Belarusian nationals linked to Russia's major mining operations in Guatemala, their business activity continues.^{REF} Similarly, the Cuban dictatorship has maintained hundreds of indentured doctors, infiltrated by Cuban intelligence agents, across Guatemala since 1998, for which the Guatemalan government pays Havana \$4.6 million a year.^{REF} In all these cases, the Biden Administration is failing to leverage hundreds of millions of dollars in aid to promote its strategic interests as U.S. adversaries expand their footprint.^{REF}

Recommendations for the United States

The U.S. government must revise its foreign aid approach in Guatemala and the region. To do so, Congress should:

Decouple foreign aid from border security. More foreign aid will not reduce illegal immigration. While foreign aid can encourage economic reforms that create jobs at home and expand markets for U.S. goods and services, Congress should reject further aid requests until the Administration revives Trump-era border policies that stemmed illegal immigration.

Conduct oversight on climate, gender, reproductive health, and other 'woke' ideology-driven aid programs. These programs alienate locals—to China's strategic advantage—lack bipartisan support, and waste taxpayer dollars. Congress should freeze all aid programs until USAID and the State Department provide a comprehensive list of program partners and subaward recipients to determine the extent to which foreign aid is being misused as a vehicle to promote the Administration's woke agenda. In addition, Congress should ask USAID's Office of the Inspector General to audit the effectiveness of U.S. aid programs in Northern Triangle countries to promote private investment.

Hold the Biden Administration accountable for the slow pace of DFC disbursements to Guatemala. Congress should ask the Administration to report on the status of the \$1 billion in DFC funds committed in 2020 to support private-sector investment in Guatemala and include a list of actual investments made, not committed, as the metric of effectiveness of its foreign aid strategy in the country.

Require the State Department to report on China's and other malign actors' activities. Poverty in Central America provides opportunities for America's strategic adversaries to threaten U.S. national security. The report should include Communist China's commercial and military activities in the region, Russia's mining operations, and Cuba's "medical missions."

Prevent election interference in Guatemala's 2023 elections. Congress should ask the State Department to report on the potential risks of external election interference in Guatemala, including by hemispheric actors. It should examine if U.S. government election support programs are being misused to promote social reengineering of a conservative society.

Conclusion

If the United States wants to reduce illegal immigration from Central America, it must secure the border, enforce U.S. immigration laws, and revive its border agreements with its southern neighbors. More foreign aid is not the solution.

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MARK UP SUMMARY

5/16/23 Foreign Affairs Markup Summary

The Chair called up the following measures separately:

1. H.R. 3205, To disrupt the international fentanyl supply chain, and for other purposes. (McCaul) (ordered favorably reported to the House as amended, voice vote)
 - a. [McCaul #49](#) ANS as amended (adopted, voice vote)
 - b. [Castro #44](#) to the McCaul ANS (not adopted, voice vote)
 - c. [Castro #42](#) to the McCaul ANS (adopted, voice vote)
 - d. [Perry #142](#) to the McCaul ANS (not adopted, voice vote)
 - e. [Perry #143](#) to the McCaul ANS (not adopted, voice vote)
 - f. [Perry #145](#) to the McCaul ANS (adopted, voice vote)
 - g. [Perry #148](#) to the McCaul ANS (not adopted, voice vote)
 - h. [Perry #149](#) to the McCaul ANS (adopted, voice vote)
2. H.R. 3203, To impose sanctions with respect to Chinese producers of synthetic opioids and opioid precursors, to hold Chinese officials accountable for the spread of illicit fentanyl, and for other purposes. (Barr) (ordered favorably reported to the House as amended, voice vote)
 - a. [Barr #27](#) to H.R. 3203 (adopted, voice vote)
3. H.R. 3202, To prohibit any official action to recognize or normalize relations with any Government of Syria that is led by Bashar al-Assad, and for other purposes. (Wilson) (ordered favorably reported to the House as amended, voice vote)
 - a. [Wilson #1](#) to H.R. 3202 (adopted, voice vote)
4. H.R. 3099, To establish in the Department of State the position of Special Envoy for the Abraham Accords, and for other purposes. (Lawler) (ordered favorably reported to the House, voice vote)
5. H.Res. 81, Calling on the President to support the creation of a Special Tribunal for the Punishment of the Crime of Aggression against Ukraine. (Keating) (ordered favorably reported to the House as amended, voice vote)
 - a. [Keating #28](#) ANS (adopted, voice vote)
6. H.Res. 377, Calling for the immediate release of Evan Gershkovich, a United States citizen and journalist, who was wrongfully detained by the Government of the Russian Federation in March 2023. (McCaul) (ordered favorably reported to the House, voice vote)
7. H.Res 272, Calling on the Government of the Russian Federation to immediately release United States citizen Paul Whelan. (Stevens) (ordered favorably reported to the House, voice vote)
8. H.R. 1176, To amend the Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019 to provide that the United States, as a member of any

international organizations, should oppose any attempts by the People's Republic of China to resolve Taiwan's status by distorting the decisions, language, policies, or procedures of the organization, and for other purposes. (Connolly) (ordered favorably reported to the House, voice vote)