

118TH CONGRESS
2D SESSION

H. R. 8701

To reform the Intelligence Community, the intelligence-related activities of the counter-drug mission of the United States Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2024

Mr. WENSTRUP introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Permanent Select Committee on Intelligence, 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 reform the Intelligence Community, the intelligence-related activities of the counter-drug mission of the United States Government, 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 “Intelligence Reform
5 and Transnational Crime Prevention Act of 2024”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

1 (1) transnational organized crime poses a sig-
2 nificant threat to national security and contributes
3 directly to the tens of thousands of illicit fentanyl
4 overdoses in the United States each year;

5 (2) transnational criminal organizations engage
6 in a variety of criminal activities in addition to drug
7 trafficking, including weapons trafficking, migrant
8 smuggling, human trafficking, cybercrime, intellec-
9 tual property theft, money laundering, wildlife and
10 timber trafficking, illegal fishing, and illegal mining;

11 (3) the threat of transnational criminal organi-
12 zations continues to escalate as criminal organiza-
13 tions expand in size and influence and adapt to ex-
14 isting United States strategy and policy;

15 (4) transnational criminal organizations require
16 more than just a law enforcement response, as their
17 activities affect the global supply chain, create global
18 instability, and require the engagement of United
19 States allies;

20 (5) the intelligence community must have the
21 resources and coordination to adequately address the
22 threat of transnational criminal organizations; and

23 (6) the Controlled Substances Act and the Na-
24 tional Security Act of 1947 should be amended to

1 include authorities necessary to disrupt and deter
2 the flow of illicit fentanyl into the United States.

3 **SEC. 3. INTELLIGENCE COMMUNITY SUPPORT TO DIS-**
4 **RUPTING AND DETERRING ILLICIT**
5 **FENTANYL.**

6 (a) NATIONAL INTELLIGENCE PRIORITIES FRAME-
7 WORK.—The Director of National Intelligence shall ensure
8 that disrupting transnational criminal organizations and
9 individuals engaged in illicit fentanyl and related activities
10 to the United States shall be among the highest priorities
11 in the National Intelligence Priorities Framework of the
12 Office of the Director of National Intelligence (or any suc-
13 cessor mechanism established for the prioritization of such
14 programs and activities).

15 (b) NATIONAL INTELLIGENCE PROGRAM PROJECTS,
16 PROGRAMS, AND ACTIVITIES.—The Director of National
17 Intelligence shall ensure that, with respect to
18 transnational criminal organizations and individuals en-
19 gaged in illicit fentanyl and related activities that affect
20 the United States and United States citizens, interests,
21 and partners—

22 (1) projects, programs, and activities carried
23 out under the National Intelligence Program shall
24 prioritize the collection and analysis of intelligence
25 with regard to such activities; and

1 threat stemming from drug cartels and smugglers, di-
2 rected the Pentagon to develop a fentanyl-specific counter-
3 drug strategy, including enhanced cooperation with for-
4 eign nations, required the Secretary of Defense to increase
5 security cooperation with the Mexican military, and ad-
6 dress coordination efforts between the military and Fed-
7 eral law enforcement agencies.

8 (b) NATIONAL COUNTERTERRORISM AND COUNTER-
9 NARCOTICS CENTER.—

10 (1) IN GENERAL.—Section 119 of the National
11 Security Act of 1947 (50 U.S.C. 3056) is amended
12 to read as follows (and conforming the table of con-
13 tents at the beginning of such Act accordingly):

14 **“SEC. 119. NATIONAL COUNTERTERRORISM AND COUNTER-**
15 **NARCOTICS CENTER.**

16 “(a) ESTABLISHMENT OF CENTER.—There is within
17 the Office of the Director of National Intelligence a Na-
18 tional Counterterrorism and Counternarcotics Center.

19 “(b) DIRECTOR OF NATIONAL COUNTERTERRORISM
20 AND COUNTERNARCOTICS CENTER.—

21 “(1) IN GENERAL.—There is a Director of the
22 National Counterterrorism and Counternarcotics
23 Center, who shall be the head of the National
24 Counterterrorism and Counternarcotics Center, and

1 who shall be appointed by the President, by and
2 with the advice and consent of the Senate.

3 “(2) PROHIBITION.—The Director of the Na-
4 tional Counterterrorism and Counternarcotics Center
5 may not simultaneously serve in any other capacity
6 in the executive branch.

7 “(c) REPORTING.—

8 “(1) REQUIREMENT.—The Director of the Na-
9 tional Counterterrorism and Counternarcotics Center
10 shall report to the Director of National Intelligence
11 with respect to matters described in paragraph (2)
12 and the President with respect to matters described
13 in paragraph (3).

14 “(2) MATTERS REPORTED TO DIRECTOR OF NA-
15 TIONAL INTELLIGENCE.—The matters described in
16 this paragraph are as follows:

17 “(A) The budget and programs of the Na-
18 tional Counterterrorism and Counternarcotics
19 Center.

20 “(B) The conduct of intelligence operations
21 implemented by other elements of the intel-
22 ligence community.

23 “(3) MATTERS REPORTED TO PRESIDENT.—
24 The matters described in this paragraph are the
25 planning and progress of joint counterterrorism and

1 counternarcotics operations (other than intelligence
2 operations).

3 “(d) PRIMARY MISSIONS.—The primary missions of
4 the National Counterterrorism and Counternarcotics Cen-
5 ter shall be as follows:

6 “(1) To serve as the primary organization in
7 the United States Government for analyzing and in-
8 tegrating all intelligence possessed or acquired by
9 the United States Government pertaining to ter-
10 rorism, counterterrorism, narcotics, and counter-
11 narcotics excepting intelligence pertaining exclusively
12 to domestic terrorists and domestic counterter-
13 rorism.

14 “(2) To conduct strategic operational planning
15 for counterterrorism and counternarcotics activities,
16 integrating all instruments of national power, includ-
17 ing diplomatic, financial, military, intelligence,
18 homeland security, and law enforcement activities
19 within and among agencies.

20 “(3) To assign roles and responsibilities as part
21 of its strategic operational planning duties to lead
22 Departments or agencies, as appropriate, for
23 counterterrorism and counternarcotics activities that
24 are consistent with applicable law and that support
25 counterterrorism and counternarcotics strategic

1 operational plans but shall not direct the execution
2 of any resulting operations.

3 “(4) To ensure that agencies, as appropriate,
4 have access to and receive all-source intelligence sup-
5 port needed to execute their counterterrorism or
6 counternarcotics plans or perform independent, al-
7 ternative analysis.

8 “(5) To ensure that such agencies have access
9 to and receive intelligence needed to accomplish their
10 assigned activities.

11 “(6) To serve as the central and shared knowl-
12 edge bank on known and suspected terrorists and
13 international terror groups, known or suspected drug
14 traffickers, and transnational criminal organizations,
15 as well as their goals, strategies, capabilities, and
16 networks of contacts and support.

17 “(e) DOMESTIC COUNTERTERRORISM AND COUNTER-
18 NARCOTICS INTELLIGENCE.—

19 “(1) AUTHORITY TO RECEIVE INTELLIGENCE.—
20 The Center may, consistent with applicable law, the
21 direction of the President, and the guidelines re-
22 ferred to in section 102A(b), receive intelligence per-
23 taining exclusively to domestic counterterrorism or
24 counternarcotics from any Federal, State, or local
25 government or other source necessary to fulfill its

1 responsibilities and retain and disseminate such in-
2 telligence.

3 “(2) REQUEST OF INFORMATION FROM CEN-
4 TER.—Any agency authorized to conduct counterter-
5 rorism or counternarcotics activities may request in-
6 formation from the Center to assist it in its respon-
7 sibilities, consistent with applicable law and the
8 guidelines referred to in section 102A(b).

9 “(f) DUTIES AND RESPONSIBILITIES OF DIREC-
10 TOR.—

11 “(1) IN GENERAL.—The Director of the Na-
12 tional Counterterrorism and Counternarcotics Center
13 shall—

14 “(A) serve as the principal adviser to the
15 Director of National Intelligence on intelligence
16 operations relating to counterterrorism and
17 counternarcotics;

18 “(B) provide strategic operational plans
19 for the civilian and military counterterrorism
20 and counternarcotics efforts of the United
21 States Government and for the effective inte-
22 gration of counterterrorism and counter-
23 narcotics intelligence and operations across
24 agency boundaries, both inside and outside the
25 United States;

1 “(C) advise the Director of National Intel-
2 ligence on the extent to which the counterter-
3 rorism and counternarcotics program rec-
4 ommendations and budget proposals of the de-
5 partments, agencies, and elements of the
6 United States Government conform to the pri-
7 orities established by the President;

8 “(D) disseminate terrorism and narcotics
9 information, including current terrorism and
10 narcotics threat analysis, to the President, the
11 Vice President, the Secretaries of State, De-
12 fense, and Homeland Security, the Attorney
13 General, the Director of the Central Intelligence
14 Agency, and other officials of the executive
15 branch as appropriate, and to the appropriate
16 committees of Congress;

17 “(E) support the Department of Justice
18 and the Department of Homeland Security, and
19 other appropriate agencies, in fulfillment of
20 their responsibilities to disseminate terrorism
21 and narcotics information, consistent with ap-
22 plicable law, guidelines referred to in section
23 102A(b), Executive orders and other Presi-
24 dential guidance, to State and local government
25 officials, and other entities, and coordinate dis-

1 semination of terrorism and narcotics informa-
2 tion to foreign governments as approved by the
3 Director of National Intelligence;

4 “(F) develop a strategy for—

5 “(i) combining terrorist and travel in-
6 telligence operations and law enforcement
7 planning and operations into a cohesive ef-
8 fort to intercept terrorists, find terrorist
9 travel facilitators, and constrain terrorist
10 mobility; and

11 “(ii) combining drug trafficking and
12 supply chains for production and manufac-
13 ture, finance, and distribution of narcotics
14 with law enforcement planning and oper-
15 ations into a cohesive effort to disrupt the
16 flow of narcotics;

17 “(G) have primary responsibility within the
18 United States Government for conducting net
19 assessments of terrorist and drug trafficking
20 threats;

21 “(H) consistent with priorities approved by
22 the President, assist the Director of National
23 Intelligence in establishing requirements for the
24 intelligence community for the collection of ter-
25 rorism and narcotics information; and

1 “(I) perform such other duties as the Di-
2 rector of National Intelligence may prescribe or
3 are prescribed by law.

4 “(2) RULE OF CONSTRUCTION.—Nothing in
5 paragraph (1)(G) may be construed to limit the au-
6 thority of the departments and agencies of the
7 United States to conduct net assessments.

8 “(g) LIMITATION.—The Director of the National
9 Counterterrorism and Counternarcotics Center may not
10 direct the execution of counterterrorism or counter-
11 narcotics operations.

12 “(h) RESOLUTION OF DISPUTES.—The Director of
13 National Intelligence shall resolve disagreements between
14 the National Counterterrorism and Counternarcotics Cen-
15 ter and the head of a department, agency, or element of
16 the United States Government on designations, assign-
17 ments, plans, or responsibilities under this section. The
18 head of such a department, agency, or element may appeal
19 the resolution responsibilities, consistent with applicable
20 law and the guidelines referred to in section 102A(b).”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) HOMELAND SECURITY ACT OF 2002.—
23 The Homeland Security Act of 2002 (6 U.S.C.
24 101 et seq.) is amended—

1 (i) in section 201, by striking “Na-
2 tional Counterterrorism Center” each place
3 it appears and inserting “National
4 Counterterrorism and Counternarcotics
5 Center”; and

6 (ii) in section 210D, by striking “Na-
7 tional Counterterrorism Center” each place
8 it appears and inserting “National
9 Counterterrorism and Counternarcotics
10 Center”.

11 (B) EXECUTIVE SCHEDULE PAY RATES.—

12 Section 5313 of title 5, United States Code, is
13 amended by striking “National Counterter-
14 rorism Center” and inserting “National
15 Counterterrorism and Counternarcotics Cen-
16 ter”.

17 (C) INTELLIGENCE REFORM AND TER-
18 RORISM PREVENTION ACT OF 2005.—

19 (i) Section 7215 of the Intelligence
20 Reform and Terrorism Prevention Act of
21 2004 (6 U.S.C. 123) is amended by strik-
22 ing “National Counterterrorism Center”
23 each place it appears and inserting “Na-
24 tional Counterterrorism and Counter-
25 narcotics Center”.

1 (ii) Section 7202 of the Intelligence
2 Reform and Terrorism Prevention Act of
3 2004 (8 U.S.C. 1777) is amended by strik-
4 ing “National Counterterrorism Center”
5 each place it appears and inserting “Na-
6 tional Counterterrorism and Counter-
7 narcotics Center”.

8 (D) WILLIAM M. (MAC) THORNBERRY NA-
9 TIONAL DEFENSE AUTHORIZATION ACT FOR
10 FISCAL YEAR 2021.—Section 1299F of the Wil-
11 liam M. (Mac) Thornberry National Defense
12 Authorization Act for Fiscal Year 2021 (22
13 U.S.C. 2656j) is amended by striking “National
14 Counterterrorism Center” each place it appears
15 and inserting “National Counterterrorism and
16 Counternarcotics Center”.

17 (E) NATIONAL SECURITY ACT OF 1947.—
18 The National Security Act of 1947 (50 U.S.C.
19 3001 et seq.) is amended—

20 (i) in section 102A(f), by striking
21 “National Counterterrorism Center” each
22 place it appears and inserting “National
23 Counterterrorism and Counternarcotics
24 Center”; and

1 (ii) in section 103(c), by striking “Na-
2 tional Counterterrorism Center” and in-
3 serting “National Counterterrorism and
4 Counternarcotics Center”.

5 (F) NATIONAL DEFENSE AUTHORIZATION
6 ACT FOR FISCAL YEAR 2008.—Section 1079 of
7 the National Defense Authorization Act for Fis-
8 cal Year 2008 (50 U.S.C. 3307) is amended by
9 striking “National Counterterrorism Center”
10 each place it appears and inserting “National
11 Counterterrorism and Counternarcotics Cen-
12 ter”.

13 **SEC. 5. PROVIDING MATERIAL SUPPORT FOR THE PRODUC-**
14 **TION, MANUFACTURE, AND DISTRIBUTION OF**
15 **ILLICIT FENTANYL, COVERED SYNTHETIC**
16 **DRUGS, AND NEW PSYCHOACTIVE SUB-**
17 **STANCES.**

18 Chapter 113B of title 18, United States Code, is
19 amended by adding at the end the following:

20 **“§ 2339E. Providing material support for the produc-**
21 **tion, manufacture, and distribution of il-**
22 **licit fentanyl, covered synthetic drugs,**
23 **and new psychoactive substances**

24 “(a) OFFENSE.—Whoever provides material support
25 or resources or conceals or disguises the nature, location,

1 source, or ownership of material support or resources,
2 knowing or intending that they are to be used in prepara-
3 tion for, or in carrying out, a violation of section 1009
4 of the Controlled Substances Act (21 U.S.C. 959) or in
5 preparation for, or in carrying out, the concealment of an
6 escape from the commission of any such violation, or at-
7 tempts or conspires to do such an act—

8 “(1) in the case of an individual, shall be fined
9 not more than \$10,000,000, imprisoned for not less
10 than 10 years, or both; or

11 “(2) in the case of an organization, shall be
12 fined not more than \$50,000,000.

13 “(b) SUBSEQUENT OFFENSES.—

14 “(1) SECOND OFFENSE.—Any person who com-
15 mits a violation described in subsection (a), after a
16 prior conviction for a violation described in sub-
17 section (a) has become final—

18 “(A) in the case of an individual, shall be
19 fined not more than \$20,000,000, imprisoned
20 for not less than 20 years, or both; or

21 “(B) in the case of an organization, shall
22 be fined not more than \$75,000,000.

23 “(2) ADDITIONAL OFFENSE.—Any person who
24 commits a violation described in subsection (a), after

1 two prior convictions for a violation described in
2 subsection (a) have become final—

3 “(A) in the case of an individual, shall be
4 fined not more than \$20,000,000, imprisoned
5 for life, or both; or

6 “(B) in the case of an organization, shall
7 be fined not more than \$75,000,000.

8 “(c) PROSECUTION OF VIOLATION.—A violation of
9 this section may be prosecuted in any Federal judicial dis-
10 trict in which the underlying offense was committed, or
11 in any other Federal judicial district as provided by law.”.

12 **SEC. 6. CRIMINAL OFFENSE WITH RESPECT TO BRIBERY OF**
13 **PUBLIC OFFICIALS AND FOREIGN OFFICIALS**
14 **RELATED TO NARCOTICS.**

15 (a) BRIBERY OF PUBLIC OFFICIALS.—Whoever di-
16 rectly or indirectly, corruptly gives, offers, or promises
17 anything of value to any public official or foreign official
18 or person who has been selected to be a public official or
19 foreign official, or offers or promises any public official
20 or foreign official or any person who has been selected to
21 be a public official or foreign official anything of value
22 with intent to influence any official act, or to influence
23 such person to commit or aid in committing or collude in
24 or allow any drug trafficking offense in violation of section
25 401, 406, or 416 of the Controlled Substances Act (21

1 U.S.C. 801 et seq.), or make opportunity for the commis-
2 sion of any drug trafficking offense in violation of section
3 401, 406, or 416 of the Controlled Substances Act (21
4 U.S.C. 801 et seq.), or to induce such public official to
5 do or omit to do any act in violation of the lawful duty
6 of such person, shall be fined not more than \$20,000,000,
7 imprisoned for not more than 25 years, or both.

8 (b) RECEIPT OF CERTAIN THINGS OF VALUE BY
9 PUBLIC OFFICIALS.—Whoever, being a public official or
10 foreign official or person selected to be a public official
11 or foreign official, directly or indirectly, corruptly de-
12 mands, seeks, receives, accepts, or agrees to receive or ac-
13 cept anything of value personally or for any other person
14 in return for being influenced in the performance of any
15 official act, being influenced to commit or aid in commit-
16 ting or collude in or allow any drug trafficking offense
17 in violation of section 401, 406, or 416 of the Controlled
18 Substances Act (21 U.S.C. 801 et seq.), or to make oppor-
19 tunity for the commission of any drug trafficking offense
20 in violation of section 401, 406, or 416 of the Controlled
21 Substances Act (21 U.S.C. 801 et seq.), or being induced
22 to do or omit to do any act in violation of the official duty
23 of such official or person shall be fined not more than
24 \$20,000,000, imprisoned for not more than 25 years, or
25 both.

1 (c) DEFINITIONS.—For purposes of this section—

2 (1) the term “public official” means a Member
3 of Congress, Delegate, or Resident Commissioner, or
4 an officer or employee or person acting for or on be-
5 half of the United States, or any department, agency
6 or branch of Government thereof, including the Dis-
7 trict of Columbia, in any official function, under or
8 by authority of any such department, agency, or
9 branch of Government, or a juror;

10 (2) the term “person who has been selected to
11 be a public official” means any person who has been
12 nominated or appointed to be a public official, or
13 has been officially informed that such person will be
14 so nominated or appointed;

15 (3) the term “official act” means any decision
16 or action on any question, matter, cause, suit, pro-
17 ceeding or controversy, which may at any time be
18 pending, or which may by law be brought before any
19 public official, in such official’s official capacity, or
20 in such official’s place of trust or profit;

21 (4) the term “foreign official” means—

22 (A)(i) any official or employee of a foreign
23 government or any department, agency, or in-
24 strumentality thereof; or

1 (ii) any senior foreign political figure,
2 as defined in section 1010.605 of title 31,
3 Code of Federal Regulations, or any suc-
4 cessor regulation;

5 (B) any official or employee of a public
6 international organization;

7 (C) any person acting in an official capac-
8 ity for or on behalf of—

9 (i) a government, department, agency,
10 or instrumentality described in subpara-
11 graph (A)(i); or

12 (ii) a public international organiza-
13 tion; or

14 (D) any person acting in an unofficial ca-
15 pacity for or on behalf of—

16 (i) a government, department, agency,
17 or instrumentality described in subpara-
18 graph (A)(i); or

19 (ii) a public international organiza-
20 tion; and

21 (5) the term “public international organization”
22 means—

23 (A) an organization that is designated by
24 Executive order pursuant to section 1 of the

1 International Organizations Immunities Act (22
2 U.S.C. 288); or

3 (B) any other international organization
4 that is designated by the President by Execu-
5 tive order for the purposes of this section, effec-
6 tive as of the date of publication of such order
7 in the Federal Register.

8 **SEC. 7. DEFINITIONS.**

9 In this Act:

10 (1) The term “covered synthetic drug” means—

11 (A) a controlled substance (as defined in
12 section 102(6) of the Controlled Substances Act
13 (21 U.S.C. 802(6))) that was produced, pre-
14 pared, propagated, compounded, or processed
15 by means of chemical synthesis or by a com-
16 bination of extraction and chemical synthesis,
17 including fentanyl or a fentanyl analogue; or

18 (B) a new psychoactive substance.

19 (2) The term “expert advice or assistance”
20 means advice or assistance derived from scientific,
21 technical, or other specialized knowledge.

22 (3) The term “illicit fentanyl” means fentanyl
23 and any analogue thereof that is manufactured, dis-
24 tributed, or dispensed, or possessed with intent to
25 manufacture, distribute, or dispense, in violation of

1 section 401, 406, or 416 of the Controlled Sub-
2 stances Act (21 U.S.C. 841, 846, 856).

3 (4) The term “intelligence community” has the
4 meaning given such term in section 3 of the Na-
5 tional Security Act of 1947 (50 U.S.C. 3003).

6 (5) The term “material support or resources”
7 means any property, tangible or intangible, or serv-
8 ice, including currency or monetary instruments or
9 financial securities, financial services, lodging, train-
10 ing, exporting, importing, smuggling, expert advice
11 or assistance, safehouses, false documentation or
12 identification, communications equipment, facilities,
13 weapons, lethal substances, personnel (one or more
14 individuals who may be or include oneself), transpor-
15 tation, chemical pre-cursors, covered synthetic drug
16 (including illicit fentanyl and its analogues), or new
17 psychoactive substance production equipment (man-
18 ufacturing machinery, die molds, encapsulation ma-
19 chines, pressers, and parts).

20 (6) The term “narco-corruption” means for
21 those who offer bribes and those who receive bribes
22 and public official or foreign officials engaged in
23 narco-corruption related to drug trafficking, includ-
24 ing those who solicit, demand, or receive bribes, pay-

1 ments, or other things of value from drug trafficking
2 organizations.

3 (7) The term “new psychoactive substance”
4 means a psychotropic substance described as of the
5 date of the enactment of this Act in the ‘Convention
6 on Psychotropic Substances’ (as such term is de-
7 fined in section 802 of the Controlled Substances
8 Act (21 U.S.C. 802(31)) and that—

9 (A) is not—

10 (i) included in any schedule as a con-
11 trolled substance under the Controlled
12 Substances Act (21 U.S.C. 801 et seq.) on
13 the date of the enactment of this Act; or

14 (ii) controlled by the Single Conven-
15 tion on Narcotic Drugs or the Convention
16 on Psychotropic Substances (as such terms
17 are defined in section 802 of the Con-
18 trolled Substances Act (21 U.S.C.
19 802(31));

20 (B) is new or has reemerged on the illicit
21 market as of the date of the enactment of this
22 Act; and

23 (C) poses a threat to the national security
24 of the United States, public health or safety, as

1 determined by the President or Director of Na-
2 tional Intelligence. .

3 (8) The term “organization” means a person
4 other than an individual.

5 (9) The term “training” means instruction or
6 teaching designed to impart a specific skill, as op-
7 posed to general knowledge.

○