

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 4723

To establish a program to provide assistance to strengthen the capacity of law enforcement agencies in Latin America and the Caribbean to prosecute Chinese organized criminal groups and Chinese government-linked organizations engaged in criminal activity.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CORNYN (for himself and Mr. COONS)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Eliminate PRC Orga-
5 nized Crime Act”.

1 **SEC. 2. PROGRAM TO PROVIDE ASSISTANCE TO BUILD THE**
2 **CAPACITY OF LATIN AMERICAN AND CARIB-**
3 **BEAN LAW ENFORCEMENT AGENCIES TO DIS-**
4 **RUPT PRC ORGANIZED CRIMINAL GROUPS.**

5 Chapter 8 of part I of the Foreign Assistance Act
6 of 1961 (22 U.S.C. 2291 et seq.) is amended by adding
7 at the end the following:

8 **“SEC. 490A. PROGRAM TO PROVIDE ASSISTANCE TO BUILD**
9 **THE CAPACITY OF LATIN AMERICAN AND**
10 **CARIBBEAN LAW ENFORCEMENT AGENCIES**
11 **TO DISRUPT PRC ORGANIZED CRIMINAL**
12 **GROUPS.**

13 “(a) IN GENERAL.—Notwithstanding section 660,
14 the Secretary of State may establish a program to provide
15 assistance to strengthen the capacity of law enforcement
16 agencies of the countries described in subsection (e) to
17 help such agencies collect information on, disrupt, and
18 prosecute transnational criminal organizations linked to
19 the People’s Republic of China (referred to in this section
20 as ‘PRC’) that are engaged in narcotics trafficking, money
21 laundering, illicit finance, transnational repression, illegal,
22 unreported, and unregulated (IUU) fishing, foreign inter-
23 ference, and other related activities the Secretary deter-
24 mines are appropriate.

25 “(b) COORDINATION.—Assistance authorized under
26 subsection (a) shall be provided in coordination with the

1 Attorney General and, if appropriate, the Director of Na-
2 tional Intelligence.

3 “(c) ASSISTANCE DESCRIBED.—Assistance author-
4 ized under subsection (a) may include—

5 “(1) consultation between law enforcement
6 agencies in the countries described in subsection (e)
7 and Federal, State, and local law enforcement agen-
8 cies with experience investigating, disrupting, and
9 prosecuting PRC-linked transnational criminal orga-
10 nizations that are operating in the United States or
11 abroad;

12 “(2) training regarding financial investigations,
13 money laundering and illicit finance prosecution, and
14 asset forfeiture related to PRC-linked transnational
15 criminal organizations;

16 “(3) technical assistance, including digital
17 forensics, telecommunications intercept coordination,
18 and all-source and open-source intelligence relevant
19 to PRC-linked transnational criminal organizations;
20 and

21 “(4) support for vetting and screening pro-
22 grams to ensure foreign law enforcement agencies
23 receiving assistance are not compromised by PRC-
24 linked transnational criminal organizations, in ac-
25 cordance with the prohibition under section 487.

1 “(d) RELATIONSHIP CERTAIN CERTIFICATIONS.—

2 “(1) IN GENERAL.—Notwithstanding a deter-
3 mination under section 490(a)(1) that a country has
4 demonstrably failed to adhere to its obligations
5 under applicable international counternarcotics
6 agreements, assistance authorized under subsection
7 (a) may be provided to such country if the Secretary
8 of State determines that providing such assistance is
9 in the national interest of the United States.

10 “(2) NOTIFICATION.—The Secretary of State
11 may not provide assistance pursuant to paragraph
12 (1) unless not later than 15 days before providing
13 such assistance, the Secretary submits to the appro-
14 priate congressional committees a determination that
15 providing such assistance is in the national interest
16 of the United States.

17 “(e) COUNTRIES DESCRIBED.—The foreign countries
18 described in this subsection are countries in Latin Amer-
19 ica and the Caribbean where PRC-linked transnational
20 criminal organizations engage in criminal activities, in-
21 cluding narcotics trafficking, money laundering, illicit fi-
22 nance, human trafficking, illegal, unreported, and unregu-
23 lated (IUU) fishing, and foreign interference.

24 “(f) REPORT ON PRC ORGANIZED CRIME IN LATIN
25 AMERICA.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of the enactment of this Act, the Director
3 of National Intelligence, in coordination with the
4 Secretary of State, shall submit a report to the ap-
5 propriate congressional committees that—

6 “(A) identifies all United States assistance
7 provided to countries under this section, includ-
8 ing each country that received assistance and a
9 description of the assistance provided, including
10 assistance amount and intended outcomes;

11 “(B) summarizes known organized crimi-
12 nal activity by PRC-linked transnational crimi-
13 nal organizations taking place in Latin Amer-
14 ican or the Caribbean; and

15 “(C) summarizes all known instances of
16 the PRC providing law enforcement assistance
17 or support to the countries described in sub-
18 section (e) to facilitate or disrupt such criminal
19 activity;

20 ““(D) analyzes the status of PRC efforts
21 to negotiate, conclude, or expand bilateral polic-
22 ing and law enforcement cooperation agree-
23 ments with the countries described in sub-
24 section (e);

1 “(E) analyzes patterns, behaviors, and
2 linkages involving PRC-linked transnational
3 criminal organizations operating in Latin Amer-
4 ica and Caribbean countries, as compared to
5 such organizations operating in other con-
6 tinents, regions, and jurisdictions, to identify
7 cross-regional patterns that inform regional
8 threat assessments; and

9 “(F) identifies any mutual legal assistance
10 treaty requests or other such assistance sub-
11 mitted by each county that receives assistance
12 described in subparagraph (A), and the status
13 of such requests.

14 “(2) CLASSIFIED FORM.—To the extent pos-
15 sible, the report required under paragraph (1) shall
16 be submitted in unclassified form, with a classified
17 annex, if necessary.

18 “(g) DEFINITIONS.—In this section:

19 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—The term ‘appropriate congressional com-
21 mittees’ means—

22 “(A) the Committee on Foreign Relations
23 of the Senate;

24 “(B) the Select Committee on Intelligence
25 of the Senate;

1 “(C) the Committee on Appropriations of
2 the Senate;

3 “(D) the Committee on the Judiciary of
4 the Senate;

5 “(E) the Caucus on International Nar-
6 cotics Control of the Senate;

7 “(F) the Committee on Foreign Affairs of
8 the House of Representatives;

9 “(G) the Permanent Select Committee on
10 Intelligence of the House of Representatives;

11 “(H) the Committee on Appropriations of
12 the House of Representatives; and

13 “(I) the Committee on the Judiciary of the
14 House of Representatives.

15 “(2) PRC-LINKED TRANSNATIONAL CRIMINAL
16 ORGANIZATION.—The term ‘PRC-linked
17 transnational criminal organization’ means an orga-
18 nization that—

19 “(A) includes 1 or more foreign person;

20 “(B) engages in or facilitates an ongoing
21 pattern of serious criminal activity involving the
22 jurisdictions of at least 2 foreign states, includ-
23 ing the People’s Republic of China, or 1 foreign
24 state and the United States;

1 “(C) threatens the national security, for-
2 eign policy, or economy of the United States;
3 and
4 “(D) meets any other criteria the Sec-
5 retary determines to be appropriate.”.