

## JOINT STATEMENT OPPOSING H.R. 3205, THE “PROJECT PRECURSOR ACT”

The undersigned organizations urge the House of Representatives to vote down H.R. 3205, the “Project Precursor Act.” We represent a diverse set of civil society groups with different mandates, missions, and areas of expertise, and not all of us can comment on every facet of H.R. 3205. We are firmly aligned, however, in rejecting the bill’s central aim of labeling fentanyl a “chemical weapon” – a dangerous rhetorical stunt that feeds calls for military action in Mexico, weakens the international Chemical Weapons Convention (CWC), and further entrenches a failed, militarized approach to addressing the harms caused by illicit fentanyl trafficking.

Title II of H.R. 3205 states that “The Secretary of State, in consultation with the Secretary of Health and Human Services and the Attorney General, shall use the voice, vote, and influence of the United States...to seek to amend the Chemical Weapons Convention to include each covered fentanyl substance on schedule 2 or 3 of the Annex on Chemicals to the Chemical Weapons Convention.” Pushing to add fentanyl to any of the CWC schedules fundamentally misrepresents the crisis caused by illicit fentanyl use. Fentanyl is not a weapon of war. It is a drug, and while it has some therapeutic uses, it is dealing real and lasting damage to U.S. communities.

Congress adopting this “chemical weapon” rhetoric will only give further oxygen to [growing](#) calls for, and even [congressional authorization](#) of, U.S. military strikes in Mexico. The executive branch Office of Legal Counsel has previously [taken the position](#) that the president can invoke his Article II authorities to target chemical weapons facilities in another country, without first seeking approval from Congress. Acclimating both Congress and executive agencies to the claim that fentanyl is a “chemical weapon” would embolden an executive branch that already views its war powers as virtually unchecked. If H.R. 3205 is passed, a future president could instrumentalize both the view of Congress and prior OLC positions to [justify unilateral strikes](#) on cartels in Mexico, embroiling the United States in a destabilizing cross-border conflict that would endanger people in both countries.

The push for strikes into Mexico would be closely paired with increased border militarization and even greater restrictions on people who are migrating to and seeking protection in the United States. Powerful politicians are already, [wrongly, scapegoating](#) these populations for fentanyl-related deaths. If H.R. 3205 is adopted and migrants become viewed as perpetuating “chemical weapon attacks,” congressional rhetoric will open the door to an even greater military buildup at the U.S.-Mexico border, and our hobbled asylum and refugee resettlement systems will further atrophy as people already fleeing conflict and crisis are baselessly treated as threats.

H.R. 3205 not only plays into the hands of those seeking conflict in Mexico, but also risks undermining international efforts to verify and destroy chemical weapons. The CWC is a successful and durable international arms control agreement that has facilitated the destruction of [99%](#) of the world’s declared chemical weapons stockpiles. In pushing an international arms control treaty body to address a drug policy matter entirely divorced from its mission, the United States would open the door to other

governments revisiting and even contesting the CWC in a manner that both distracts from efforts to verify and destroy chemical weapons and degrades the international taboo on chemical weapons' storage and use.

Finally, in seeking to present fentanyl as a weapon of war, H.R. 3205 entrenches the cardinal failure of the war on drugs – militarizing a public health challenge. The U.S. government viewing people who use fentanyl as wielding a “chemical weapon” would imperil desperately needed access to treatment and health services that can prevent overdoses and address drug dependence. In particular, the bill’s authors have not clarified how amending the CWC to include fentanyl as a chemical substance would impact enforcement of [18 U.S.C. Chapter 11B](#), which mandates severe penalties, including fines and possible imprisonment for possessing a chemical weapon, in addition to life imprisonment or capital punishment for any person in violation of the law “and by whose action the death of another person is the result” (18 U.S.C. § [229](#) and [229A](#)). As a result, medical professionals may avoid fentanyl’s licit and beneficial applications for fear of prescribing a “chemical weapon.” And any further police, prosecutorial, or even military action or expanded authority to disrupt this “chemical weapon” would disproportionately fall, as has the rest of the war on drugs, on communities of color, people who use drugs, and the working class.

All too often, we see overheated and politically expedient statements set the stage for spiraling international crises and attacks on the most vulnerable. We urge Congress to reject H.R. 3205, and stop today’s rhetoric from encouraging tomorrow’s conflict.

Afghans For A Better Tomorrow  
AIDS United  
Center for Economic and Policy Research (CEPR)  
Center for International Policy  
Demand Progress Action  
Drug Policy Alliance  
Friends Committee on National Legislation  
Justice is Global  
Kino Border Initiative  
Law Enforcement Action Partnership  
National Immigration Project  
National Priorities Project at the Institute for Policy Studies  
NEXT Distro  
Oxfam America  
Peace Action  
Physicians for Human Rights  
Project On Government Oversight  
Quincy Institute for Responsible Statecraft  
Students for Sensible Drug Policy  
Washington Office on Latin America

Win Without War  
Working Families Party