

117TH CONGRESS  
2D SESSION

# H. R. 8561

To improve the collection of intelligence regarding activities by drug trafficking organizations in certain foreign countries, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2022

Mr. DAVIDSON (for himself, Mr. HIGGINS of Louisiana, Mr. TIFFANY, Mr. PERRY, Mr. NORMAN, Mr. JACKSON, Mr. SESSIONS, Mr. CLINE, Ms. GRANGER, Mr. BANKS, Mrs. BOEBERT, Mr. HICE of Georgia, and Mr. BUCK) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Foreign Affairs, Homeland Security, Oversight and Reform, Energy and Commerce, 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

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## A BILL

To improve the collection of intelligence regarding activities by drug trafficking organizations in certain foreign countries, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Stop the Cartels Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PRIORITIZING INTELLIGENCE GATHERING ON DRUG  
TRAFFICKING ORGANIZATIONS

Sec. 101. Assessment of activities by drug trafficking organizations in covered  
foreign countries.

Sec. 102. Assessment of human trafficking and smuggling from covered foreign  
countries to the United States-Mexico border.

Sec. 103. Prioritization of intelligence resources for covered foreign countries.

Sec. 104. Resolving intelligence sharing and cooperation agreements.

Sec. 105. Review of Mexico and United States bilateral cooperation.

Sec. 106. Designation of certain drug cartels as Special Transnational Criminal  
Organization.

Sec. 107. Monthly Department of Homeland Security reports on migrants.

Sec. 108. Definitions.

TITLE II—ELIMINATING FUNDING FOR CARTEL SAFE HARBOR  
JURISDICTIONS

Sec. 201. Ineligibility for Federal grants of certain jurisdictions that violate the  
immigration laws.

TITLE III—TARGETING CARTEL HUMAN TRAFFICKING AT THE  
BORDER

Sec. 301. Ending family separation and protection of minors.

Sec. 302. Stopping asylum fraud.

Sec. 303. Hiring authority.

Sec. 304. Refugee application and processing centers.

TITLE IV—REPURPOSING FEDERAL DRUG PROGRAMS

Sec. 401. Reauthorization of block grants for prevention and treatment of sub-  
stance abuse.

Sec. 402. Offsetting repeals.

1 **TITLE I—PRIORITIZING INTEL-**  
2 **LIGENCE GATHERING ON**  
3 **DRUG TRAFFICKING ORGANI-**  
4 **ZATIONS**

5 **SEC. 101. ASSESSMENT OF ACTIVITIES BY DRUG TRAF-**  
6 **FICKING ORGANIZATIONS IN COVERED FOR-**  
7 **EIGN COUNTRIES.**

8 (a) REPORT.—Not later than 60 days after the date  
9 of the enactment of this Act, the Director of National In-  
10 telligence, in coordination with the Chief of Intelligence  
11 of the Drug Enforcement Administration and the Assist-  
12 ant Secretary of State for Intelligence and Research, shall  
13 submit to the appropriate congressional committees a re-  
14 port containing an analytical assessment of the activities  
15 of drug trafficking organizations in covered foreign coun-  
16 tries. Such assessment shall include, at a minimum—

17 (1) an assessment of the effect of drug traf-  
18 ficking organizations on the security and economic  
19 situation in covered foreign countries;

20 (2) an assessment of the effect of the activities  
21 of drug trafficking organizations on the migration of  
22 persons from covered foreign countries to the United  
23 States-Mexico border;

24 (3) a summary of any relevant activities by ele-  
25 ments of the intelligence community in relation to

1 drug trafficking organizations in covered foreign  
2 countries and Mexico;

3 (4) a summary of key methods and routes used  
4 by drug trafficking organizations in covered foreign  
5 countries and Mexico to the United States;

6 (5) an assessment of the intersection between  
7 the activities of drug trafficking organizations,  
8 human traffickers and human smugglers, and other  
9 organized criminal groups in covered foreign coun-  
10 tries; and

11 (6) an assessment of the illicit funds and finan-  
12 cial transactions that support the activities of drug  
13 trafficking organizations and connected criminal en-  
14 terprises in covered foreign countries.

15 (b) FORM.—The report required by subsection (a)  
16 may be submitted in classified form, but if so submitted,  
17 shall contain an unclassified summary.

18 (c) AVAILABILITY.—The report under subsection (a),  
19 or the unclassified summary of the report described in  
20 subsection (b), shall be made publicly available.

1 **SEC. 102. ASSESSMENT OF HUMAN TRAFFICKING AND**  
2 **SMUGGLING FROM COVERED FOREIGN**  
3 **COUNTRIES TO THE UNITED STATES-MEXICO**  
4 **BORDER.**

5 (a) REPORT REQUIRED.—Not later than 60 days  
6 after the date of the enactment of this Act, the Director  
7 of National Intelligence, in coordination with the Under  
8 Secretary of Homeland Security for Intelligence and Anal-  
9 ysis and the Assistant Secretary of State for Intelligence  
10 and Research, shall submit to the appropriate congres-  
11 sional committees a report containing an analytical assess-  
12 ment of human trafficking and human smuggling by indi-  
13 viduals and organizations in covered foreign countries.  
14 Such assessment shall include, at a minimum—

15 (1) an assessment of the effect of human traf-  
16 ficking and human smuggling on the security and  
17 economic situation in covered foreign countries;

18 (2) a summary of any relevant activities by ele-  
19 ments of the intelligence community in relation to  
20 human trafficking and human smuggling in covered  
21 foreign countries;

22 (3) an assessment of the methods and routes  
23 used by human traffickers and human smuggler or-  
24 ganizations to move persons from covered foreign  
25 countries to the United States-Mexico border;



1 the intelligence community, shall carry out a comprehen-  
2 sive review of the current intelligence collection priorities  
3 of the intelligence community for covered foreign countries  
4 in order to identify whether such priorities are appropriate  
5 and sufficient in light of the threat posed by the activities  
6 of drug trafficking organizations and human traffickers  
7 and human smugglers to the security of the United States  
8 and the Western Hemisphere.

9 (b) REPORTS.—

10 (1) REPORT ON INITIAL REVIEW.—Not later  
11 than 120 days after the date of the enactment of  
12 this Act, the Director of National Intelligence shall  
13 submit to the congressional intelligence committees a  
14 comprehensive description of the results of the re-  
15 view required by subsection (a), including whether  
16 the priorities described in that subsection are appro-  
17 priate and sufficient in light of the threat posed by  
18 the activities of drug trafficking organizations and  
19 human traffickers and human smugglers to the secu-  
20 rity of the United States and the Western Hemi-  
21 sphere. If the report concludes that such priorities  
22 are not so appropriate and sufficient, the report  
23 shall also include a description of the actions to be  
24 taken to modify such priorities in order to assure  
25 that such priorities are so appropriate and sufficient.





1 national Development may be made available to the Mexi-  
2 can Federal Government or its subsidiaries until the Sec-  
3 retary of State certifies to Congress that Mexico has re-  
4 moved all barriers to bilateral cooperation created after  
5 December 2020 that have hindered law enforcement co-  
6 operation and intelligence-sharing between United States  
7 and Mexican law enforcement agencies, including the im-  
8 plementation of the Foreign Agents law and the limits  
9 that have been placed on issuing visas to United States  
10 law enforcement personnel.

11 **SEC. 105. REVIEW OF MEXICO AND UNITED STATES BILAT-**  
12 **ERAL COOPERATION.**

13 (a) PLAN TO REESTABLISH BILATERAL SECURITY  
14 MEETINGS.—Not later than 60 days after the date of the  
15 enactment of this Act, the Secretary of State, in consulta-  
16 tion with the heads of other relevant Federal departments  
17 and agencies, shall submit to the appropriate congres-  
18 sional committees a plan and timeline to reestablish reg-  
19 ular bilateral security meetings between appropriate high-  
20 level and working-level officials of the Governments of the  
21 United States and Mexico that serve as a forum to align  
22 and reconcile priorities between the United States and  
23 Mexico and to periodically assess progress for bilateral co-  
24 operation. The plan shall include possible areas of co-

1 operation at the Federal, State, and local levels with  
2 United States goals for assistance.

3 (b) COMPREHENSIVE REVIEW.—Not later than 90  
4 days after the date of the enactment of this Act, the Sec-  
5 retary of State and the Administrator of the United States  
6 Agency for International Development, in consultation  
7 with the heads of other relevant Federal departments and  
8 agencies, shall submit a report to appropriate congres-  
9 sional committees that—

10 (1) provides a review of programs, projects, and  
11 activities implemented as part of either the Merida  
12 Initiative or The Bicentennial Framework; and

13 (2) includes—

14 (A) evaluations, assessments, or other  
15 analyses, as appropriate;

16 (B) successes, challenges, and lessons  
17 learned in achieving program outcomes and  
18 United States policy goals;

19 (C) recommendations to change investment  
20 levels in specific projects; and

21 (D) to the extent practicable, an assess-  
22 ment of the effect, if any, of Mexico's Foreign  
23 Agents law on bilateral security cooperation  
24 with the Department of State, the United

1 States Agency for International Development,  
2 and the Department of Justice.

3 **SEC. 106. DESIGNATION OF CERTAIN DRUG CARTELS AS**  
4 **SPECIAL TRANSNATIONAL CRIMINAL ORGA-**  
5 **NIZATION.**

6 (a) DESIGNATION.—

7 (1) IN GENERAL.—The Secretary is authorized  
8 to designate an organization as a foreign Special  
9 Transnational Criminal Organization in accordance  
10 with this subsection if the Secretary finds that—

11 (A) the organization is a foreign organiza-  
12 tion;

13 (B) the organization is a self-perpetuating  
14 association of individuals who operate  
15 transnationally for the purpose of obtaining  
16 power, influence, monetary, or commercial  
17 gains, wholly or in part by illegal means, while  
18 protecting their activities through a pattern of  
19 corruption or violence or through a  
20 transnational organization structure and the ex-  
21 ploitation of transnational commerce or commu-  
22 nication mechanisms; and

23 (C) the organization threatens the security  
24 of United States nationals or the national secu-  
25 rity of the United States.

1 (2) PROCEDURE.—

2 (A) NOTICE.—

3 (i) TO CONGRESSIONAL LEADERS.—

4 Seven days before making a designation  
5 under this subsection, the Secretary shall,  
6 by classified communication, notify the  
7 Speaker and minority leader of the House  
8 of Representatives, the President pro tem-  
9 pore, majority leader, and minority leader  
10 of the Senate, and the members of the rel-  
11 evant committees of the House of Rep-  
12 resentatives and the Senate, in writing, of  
13 the intent to designate an organization  
14 under this subsection, together with the  
15 findings made under paragraph (1) with  
16 respect to that organization, and the fac-  
17 tual basis therefor.

18 (ii) PUBLICATION IN FEDERAL REG-  
19 ISTER.—The Secretary shall publish the  
20 designation in the Federal Register seven  
21 days after providing the notification under  
22 clause (i).

23 (B) EFFECT OF DESIGNATION.—For pur-  
24 poses of section 2339B of title 18, United  
25 States Code—

1 (i) an organization designated as a  
2 foreign Special Transnational Criminal Or-  
3 ganization shall be treated as an organiza-  
4 tion subject to such section for purposes of  
5 such section; and

6 (ii) a designation under this sub-  
7 section shall take effect for such purposes  
8 upon publication under subparagraph  
9 (A)(ii).

10 (C) FREEZING OF ASSETS.—Upon notifica-  
11 tion under paragraph (2)(A)(i), the Secretary of  
12 the Treasury may require United States finan-  
13 cial institutions possessing or controlling any  
14 assets of any foreign organization included in  
15 the notification to block all financial trans-  
16 actions involving those assets until further di-  
17 rective from either the Secretary of the Treas-  
18 ury, Act of Congress, or order of court.

19 (3) RECORD.—

20 (A) IN GENERAL.—In making a designa-  
21 tion under this subsection, the Secretary shall  
22 create an administrative record.

23 (B) CLASSIFIED INFORMATION.—The Sec-  
24 retary may consider classified information in  
25 making a designation under this subsection.

1 Classified information shall not be subject to  
2 disclosure for such time as it remains classified,  
3 except that such information may be disclosed  
4 to a court ex parte and in camera for purposes  
5 of judicial review under subsection (c).

6 (4) PERIOD OF DESIGNATION.—

7 (A) IN GENERAL.—A designation under  
8 this subsection shall be effective until revoked  
9 under paragraph (5) or (6) or set aside pursu-  
10 ant to subsection (c).

11 (B) REVIEW OF DESIGNATION UPON PETI-  
12 TION.—

13 (i) IN GENERAL.—The Secretary shall  
14 review the designation of a foreign Special  
15 Transnational Criminal Organization  
16 under the procedures set forth in clauses  
17 (iii) and (iv) if the designated organization  
18 files a petition for revocation within the pe-  
19 tition period described in clause (ii).

20 (ii) PETITION PERIOD.—For purposes  
21 of clause (i)—

22 (I) if the designated organization  
23 has not previously filed a petition for  
24 revocation under this subparagraph,  
25 the petition period begins 2 years

1 after the date on which the designa-  
2 tion was made; or

3 (II) if the designated organiza-  
4 tion has previously filed a petition for  
5 revocation under this subparagraph,  
6 the petition period begins 2 years  
7 after the date of the determination  
8 made under clause (iv) on that peti-  
9 tion.

10 (iii) PROCEDURES.—Any foreign Spe-  
11 cial Transnational Criminal Organization  
12 that submits a petition for revocation  
13 under this subparagraph must provide evi-  
14 dence in that petition that the relevant cir-  
15 cumstances described in paragraph (1) are  
16 sufficiently different from the cir-  
17 cumstances that were the basis for the des-  
18 ignation such that a revocation with re-  
19 spect to the organization is warranted.

20 (iv) DETERMINATION.—

21 (I) IN GENERAL.—Not later than  
22 180 days after receiving a petition for  
23 revocation submitted under this sub-  
24 paragraph, the Secretary shall make a  
25 determination as to such revocation.

1 (II) CLASSIFIED INFORMA-  
2 TION.—The Secretary may consider  
3 classified information in making a de-  
4 termination in response to a petition  
5 for revocation. Classified information  
6 shall not be subject to disclosure for  
7 such time as it remains classified, ex-  
8 cept that such information may be  
9 disclosed to a court ex parte and in  
10 camera for purposes of judicial review  
11 under subsection (c).

12 (III) PUBLICATION OF DETER-  
13 MINATION.—A determination made by  
14 the Secretary under this clause shall  
15 be published in the Federal Register.

16 (IV) PROCEDURES.—Any revoca-  
17 tion by the Secretary shall be made in  
18 accordance with paragraph (6).

19 (C) OTHER REVIEW OF DESIGNATION.—

20 (i) IN GENERAL.—If the Secretary de-  
21 termines that a 5-year period has elapsed  
22 since the designation without a review hav-  
23 ing taken place under subparagraph (B),  
24 the Secretary shall review the designation  
25 of the foreign Special Transnational Crimi-



1           nal Organization in order to determine  
2           whether such designation should be re-  
3           voked pursuant to paragraph (6).

4           (ii) PROCEDURES.—If a review does  
5           not take place pursuant to subparagraph  
6           (B) in response to a petition for revocation  
7           that is filed in accordance with that sub-  
8           paragraph, then the review shall be con-  
9           ducted pursuant to procedures established  
10          by the Secretary. The results of such re-  
11          view and the applicable procedures shall  
12          not be reviewable in any court.

13          (iii) PUBLICATION OF RESULTS OF  
14          REVIEW.—The Secretary shall publish any  
15          determination made pursuant to this sub-  
16          paragraph in the Federal Register.

17          (5) REVOCATION BY ACT OF CONGRESS.—The  
18          Congress, by an Act of Congress, may block or re-  
19          voke a designation made under paragraph (1).

20          (6) REVOCATION BASED ON CHANGE IN CIR-  
21          CUMSTANCES.—

22                (A) IN GENERAL.—The Secretary may re-  
23                voke a designation made under paragraph (1)  
24                at any time, and shall revoke a designation  
25                upon completion of a review conducted pursu-

1 ant to subparagraphs (B) and (C) of paragraph  
2 (4) if the Secretary finds that—

3 (i) the circumstances that were the  
4 basis for the designation have changed in  
5 such a manner as to warrant revocation; or

6 (ii) the national security of the United  
7 States warrants a revocation.

8 (B) PROCEDURE.—The procedural require-  
9 ments of paragraphs (2) and (3) shall apply to  
10 a revocation under this paragraph. Any revoca-  
11 tion shall take effect on the date specified in  
12 the revocation or upon publication in the Fed-  
13 eral Register if no effective date is specified.

14 (7) EFFECT OF REVOCATION.—The revocation  
15 of a designation under paragraph (5) or (6) shall  
16 not affect any action or proceeding based on conduct  
17 occurring prior to the effective date of such revoca-  
18 tion.

19 (8) USE OF DESIGNATION IN TRIAL OR HEAR-  
20 ING.—If a designation under this subsection has be-  
21 come effective under paragraph (2)(B) a defendant  
22 in a criminal action or an alien in a removal pro-  
23 ceeding shall not be permitted to raise any question  
24 concerning the validity of the issuance of such des-

1       ignation as a defense or an objection at any trial or  
2       hearing.

3       (b) AMENDMENTS TO A DESIGNATION.—

4             (1) IN GENERAL.—The Secretary may amend a  
5       designation under this subsection if the Secretary  
6       finds that the organization has changed its name,  
7       adopted a new alias, dissolved and then reconsti-  
8       tuted itself under a different name or names, or  
9       merged with another organization.

10            (2) PROCEDURE.—Amendments made to a des-  
11       ignation in accordance with paragraph (1) shall be  
12       effective upon publication in the Federal Register.  
13       Subparagraphs (B) and (C) of subsection (a)(2)  
14       shall apply to an amended designation upon such  
15       publication. Paragraphs (2)(A)(i), (4), (5), (6), (7),  
16       and (8) of subsection (a) shall also apply to an  
17       amended designation.

18            (3) ADMINISTRATIVE RECORD.—The adminis-  
19       trative record shall be corrected to include the  
20       amendments as well as any additional relevant infor-  
21       mation that supports those amendments.

22            (4) CLASSIFIED INFORMATION.—The Secretary  
23       may consider classified information in amending a  
24       designation in accordance with this subsection. Clas-  
25       sified information shall not be subject to disclosure

1 for such time as it remains classified, except that  
2 such information may be disclosed to a court ex  
3 parte and in camera for purposes of judicial review  
4 under subsection (c).

5 (c) JUDICIAL REVIEW OF DESIGNATION.—

6 (1) IN GENERAL.—Not later than 30 days after  
7 publication in the Federal Register of a designation,  
8 an amended designation, or a determination in re-  
9 sponse to a petition for revocation, the designated  
10 organization may seek judicial review in the United  
11 States Court of Appeals for the District of Columbia  
12 Circuit.

13 (2) BASIS OF REVIEW.—Review under this sub-  
14 section shall be based solely upon the administrative  
15 record, except that the Government may submit, for  
16 ex parte and in camera review, classified information  
17 used in making the designation, amended designa-  
18 tion, or determination in response to a petition for  
19 revocation.

20 (3) SCOPE OF REVIEW.—The Court shall hold  
21 unlawful and set aside a designation, amended des-  
22 igation, or determination in response to a petition  
23 for revocation the court finds to be—

1           (A) arbitrary, capricious, an abuse of dis-  
2           cretion, or otherwise not in accordance with  
3           law;

4           (B) contrary to constitutional right, power,  
5           privilege, or immunity;

6           (C) in excess of statutory jurisdiction, au-  
7           thority, or limitation, or short of statutory  
8           right;

9           (D) lacking substantial support in the ad-  
10          ministrative record taken as a whole or in clas-  
11          sified information submitted to the court under  
12          paragraph (2); or

13          (E) not in accord with the procedures re-  
14          quired by law.

15          (4) JUDICIAL REVIEW INVOKED.—The pend-  
16          ency of an action for judicial review of a designation,  
17          amended designation, or determination in response  
18          to a petition for revocation shall not affect the appli-  
19          cation of this section, unless the court issues a final  
20          order setting aside the designation, amended des-  
21          ignation, or determination in response to a petition  
22          for revocation.

23          (d) DEFINITIONS.—As used in this section—

1           (1) the term “classified information” has the  
2 meaning given that term in section 1(a) of the Clas-  
3 sified Information Procedures Act (18 U.S.C. App.);

4           (2) the term “national security” means the na-  
5 tional defense, foreign relations, or economic inter-  
6 ests of the United States;

7           (3) the term “foreign organization” includes a  
8 group of persons or an organization whose leader-  
9 ship is primarily based in a country outside of the  
10 United States;

11           (4) the term “relevant committees” means the  
12 Committees on the Judiciary, Intelligence, and For-  
13 eign Relations of the Senate and the Committees on  
14 the Judiciary, Intelligence, and International Rela-  
15 tions of the House of Representatives; and

16           (5) the term “Secretary” means the Secretary  
17 of State, in consultation with the Secretary of the  
18 Treasury and the Attorney General.

19           (e) DESIGNATION.—The Secretary shall designate  
20 the following organizations as Special Transnational  
21 Criminal Organizations:

22           (1) Sinaloa Cartel.

23           (2) Jalisco New Generation Cartel.

24           (3) Beltran-Leyva Organization.

25           (4) Cartel del Noreste and Los Zetas.

- 1 (5) Guerreros Unidos.
- 2 (6) Gulf Cartel.
- 3 (7) Juarez Cartel and La Linea.
- 4 (8) La Familia Michoacana.
- 5 (9) Los Rojos.

6 **SEC. 107. MONTHLY DEPARTMENT OF HOMELAND SECU-**  
7 **RITY REPORTS ON MIGRANTS.**

8 Not later than the fifteenth day of the second full  
9 month after the date of the enactment of this Act and  
10 not later than the fifteenth of each month thereafter, the  
11 Secretary of Homeland Security, acting through the Com-  
12 missioner of U.S. Customs and Border Protection (CBP),  
13 shall submit to the Committee on Homeland Security of  
14 the House of Representatives and the Committee on  
15 Homeland Security and Governmental Affairs of the Sen-  
16 ate a report relating to migrants. Each such report shall  
17 cover the period of the immediately preceding month, and  
18 include information relating to the following:

- 19 (1) The total number of U.S. Border Patrol ap-  
20 prehensions.
- 21 (2) The total number of inadmissible aliens en-  
22 countered by the Office of Field Operations (OFO)  
23 of CBP.

1           (3) The total number of migrants (including ap-  
2           prehensions and inadmissibles under paragraphs (1)  
3           and (2), respectively) voluntarily returned to Mexico.

4           (4) The total number of migrants placed into  
5           expedited removal pursuant to section 235(b)(1) of  
6           the Immigration and Nationality Act (8 U.S.C.  
7           1225(b)(1)).

8           (5) The total number of migrants placed into  
9           expedited removal who claimed credible fear pursu-  
10          ant to section 235(b)(1)(A)(ii) of the Immigration  
11          and Nationality Act (8 U.S.C. 1225(b)(1)(A)(ii)).

12          (6) The total number of migrants placed into  
13          expedited removal who claimed credible fear pursu-  
14          ant to such section who received a positive deter-  
15          mination relating thereto.

16          (7) The total number of migrants who were de-  
17          tained by CBP.

18          (8) The total number of migrants whose deten-  
19          tion was transferred by CBP to U.S. Immigration  
20          and Customs Enforcement (ICE).

21          (9) The total number of migrants paroled into  
22          the United States pursuant to section 212(d)(5)(A)  
23          of the Immigration and Nationality Act (8 U.S.C.  
24          1182(d)(5)(A)).



1           (10) The total number of migrants released on  
2 bond into the United States pursuant to section  
3 236(a)(2)(A) of the Immigration and Nationality  
4 Act (8 U.S.C. 1226(a)(2)(A)).

5           (11) The total number of migrants released on  
6 their own recognizance into the United States pursu-  
7 ant to section 236(a)(2)(B) of the Immigration and  
8 Nationality Act (8 U.S.C. 1226(a)(2)(B)) or any  
9 other provision of such Act.

10           (12) The total number of migrants released on  
11 conditional parole into the United States pursuant  
12 to section 236(a)(2)(B) of the Immigration and Na-  
13 tionality Act (8 U.S.C. 1226(a)(2)(B)).

14           (13) The total number of migrants released on  
15 any other ground, including specifications of which  
16 such grounds, into the United States.

17           (14) The total number of migrants issued a No-  
18 tice to Appear.

19           (15) The total number of migrants issued a No-  
20 tice to Report.

21           (16) The total number of migrants released into  
22 the United States to appear at an ICE Field Office.

23           (17) The total number of migrants released into  
24 the United States to appear at an ICE Field Office  
25 who failed to appear.

1           (18) The total number of migrants released into  
2 the United States to check-in at an ICE Field Of-  
3 fice, whose appearance was waived.

4           (19) The total number of migrants issued a No-  
5 tice to Appear who failed to appear at an Initial  
6 Master Calendar hearing.

7           (20) The total number of migrants issued a No-  
8 tice to Appear who failed to appear at an initial  
9 Master Calendar hearing who were ordered removed  
10 from the United States.

11 **SEC. 108. DEFINITIONS.**

12 In this title:

13           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
14 TEES.—The term “appropriate congressional com-  
15 mittees” means—

16                   (A) the Committee on Foreign Affairs, the  
17 Committee on Homeland Security, and the Per-  
18 manent Select Committee on Intelligence of the  
19 House of Representatives; and

20                   (B) the Committee on Foreign Relations,  
21 the Committee on Homeland Security and Gov-  
22 ernmental Affairs, and the Select Committee on  
23 Intelligence of the Senate.

24           (2) CONGRESSIONAL INTELLIGENCE COMMIT-  
25 TEES.—The term “congressional intelligence com-

1       mittees” means the Permanent Select Committee on  
2       Intelligence of the House of Representatives and the  
3       Select Committee on Intelligence of the Senate.

4               (3) COVERED FOREIGN COUNTRIES.—The term  
5       “covered foreign countries” means Mexico, Guate-  
6       mala, Honduras, Nicaragua, El Salvador, Costa  
7       Rica, Panama, Belize, Argentina, Bolivia, Brazil,  
8       Chile, Colombia, Ecuador, Guyana, Paraguay, Peru,  
9       Suriname, Uruguay, and Venezuela.

10              (4) HUMAN TRAFFICKING.—The term “human  
11       trafficking” has the meaning given the term “severe  
12       forms of trafficking in persons” by section 103 of  
13       the Victims of Trafficking and Violence Protection  
14       Act of 2000 (22 U.S.C. 7102).

15              (5) INTELLIGENCE COMMUNITY.—The term  
16       “intelligence community” has the meaning given  
17       that term in section 3 of the National Security Act  
18       of 1947 (50 U.S.C. 3003).

1 **TITLE II—ELIMINATING FUND-**  
2 **ING FOR CARTEL SAFE HAR-**  
3 **BOR JURISDICTIONS**

4 **SEC. 201. INELIGIBILITY FOR FEDERAL GRANTS OF CER-**  
5 **TAIN JURISDICTIONS THAT VIOLATE THE IM-**  
6 **MIGRATION LAWS.**

7 (a) **INELIGIBLE JURISDICTIONS.**—A State or unit of  
8 local government is an ineligible jurisdiction for purposes  
9 of this section if that State or unit of local government—

10 (1) violates section 642 of the Illegal Immigra-  
11 tion Reform and Immigrant Responsibility Act of  
12 1996 (8 U.S.C. 1373);

13 (2) otherwise restricts compliance with a de-  
14 tainer issued by the Secretary of Homeland Secu-  
15 rity; or

16 (3) has any law or policy in effect that violates  
17 the immigration laws.

18 (b) **ANNUAL DETERMINATION OF INELIGIBLE JURIS-**  
19 **DICTIONS.**—Not later than 1 year after the date of the  
20 enactment of this Act, and annually thereafter, the Sec-  
21 retary of Homeland Security shall make a determination  
22 as to whether each State or unit of local government is  
23 an ineligible jurisdiction under subsection (a) and submit  
24 such determinations to Congress.

1 (c) PROHIBITION ON FEDERAL FINANCIAL ASSIST-  
2 ANCE.—A State or unit of local government that is deter-  
3 mined to be an ineligible jurisdiction may not receive any  
4 Federal financial assistance (as such term is defined in  
5 section 7501(a)(5) of title 31, United States Code) for the  
6 fiscal year following any fiscal year in which the Secretary  
7 of Homeland Security determines that the State or unit  
8 of local government is an ineligible jurisdiction under sub-  
9 section (b).

10 **TITLE III—TARGETING CARTEL**  
11 **HUMAN TRAFFICKING AT THE**  
12 **BORDER**

13 **SEC. 301. ENDING FAMILY SEPARATION AND PROTECTION**  
14 **OF MINORS.**

15 (a) PROMOTING FAMILY UNITY.—Section 235 of the  
16 William Wilberforce Trafficking Victims Protection Reau-  
17 thorization Act of 2008 (8 U.S.C. 1232) is amended by  
18 adding at the end the following:

19 “(j) PROMOTING FAMILY UNITY.—

20 “(1) DETENTION OF ALIEN MINORS.—

21 “(A) IN GENERAL.—Notwithstanding any  
22 other provision of law, judicial determination,  
23 consent decree, or settlement agreement, the  
24 Secretary of Homeland Security may detain any  
25 alien minor (other than an unaccompanied alien

1 child) who is inadmissible to the United States  
2 under section 212(a) of the Immigration and  
3 Nationality Act (8 U.S.C. 1182(a)) or remov-  
4 able from the United States under section  
5 237(a) of that Act (8 U.S.C. 1227(a)) pending  
6 the completion of removal proceedings, regard-  
7 less of whether the alien minor was previously  
8 an unaccompanied alien child.

9 “(B) PRIORITY REMOVAL CASES.—The At-  
10 torney General shall—

11 “(i) prioritize the removal proceedings  
12 of an alien minor, or a family unit that in-  
13 cludes an alien minor, detained under sub-  
14 paragraph (A); and

15 “(ii) set a case completion goal of not  
16 more than 100 days for such proceedings.

17 “(C) DETENTION AND RELEASE DECI-  
18 SIONS.—The decision to detain or release an  
19 alien minor described in subparagraph (A)—

20 “(i) shall be governed solely by sec-  
21 tions 212(d)(5), 217, 235, 236, and 241 of  
22 the Immigration and Nationality Act (8  
23 U.S.C. 1182(d)(5), 1187, 1225, 1226, and  
24 1231) and implementing regulations or  
25 policies; and

1           “(ii) shall not be governed by stand-  
2           ards, requirements, restrictions, or proce-  
3           dures contained in a judicial decree or set-  
4           tlement relating to the authority to detain  
5           or release alien minors.

6           “(2) CONDITIONS OF DETENTION.—

7           “(A) IN GENERAL.—Notwithstanding any  
8           other provision of law, judicial determination,  
9           consent decree, or settlement agreement, the  
10          Secretary of Homeland Security shall deter-  
11          mine, in the sole discretion of the Secretary, the  
12          conditions of detention applicable to an alien  
13          minor described in paragraph (1)(A) regardless  
14          of whether the alien minor was previously an  
15          unaccompanied alien child.

16          “(B) NO JUDICIAL REVIEW.—A determina-  
17          tion under subparagraph (A) shall not be sub-  
18          ject to judicial review.

19          “(3) RULE OF CONSTRUCTION.—Nothing in  
20          this section—

21                 “(A) affects the eligibility for bond or pa-  
22                 role of an alien; or

23                 “(B) limits the authority of a court to hear  
24                 a claim arising under the Constitution of the  
25                 United States.

1           “(4) PREEMPTION OF STATE LICENSING RE-  
2           QUIREMENTS.—Notwithstanding any other provision  
3           of law, judicial determination, consent decree, or set-  
4           tlement agreement, a State may not require an im-  
5           migration detention facility used to detain families  
6           consisting of one or more children who have not at-  
7           tained 18 years of age and the parents or legal  
8           guardians of such children, that is located in the  
9           State, to be licensed by the State or any political  
10          subdivision thereof.

11          “(5) CONDITIONS OF CUSTODY.—The Secretary  
12          of Homeland Security shall ensure that each—

13                 “(A) family residential facility is secure  
14                 and safe; and

15                 “(B) alien child and accompanying parent  
16                 at a family residential facility has—

17                         “(i) suitable living accommodations;

18                         “(ii) access to drinking water and  
19                         food;

20                         “(iii) timely access to medical assist-  
21                         ance, including mental health assistance;  
22                         and

23                         “(iv) access to any other service nec-  
24                         essary for the adequate care of a minor  
25                         child.



1           “(6) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated such sums  
3           as may be necessary to carry out this subsection.

4           “(k) APPLICABILITY OF CONSENT DECREES, SET-  
5 TLEMENTS, AND JUDICIAL DETERMINATIONS.—

6           “(1) FLORES SETTLEMENT AGREEMENT INAP-  
7 PLICABLE.—Any conduct or activity that was, before  
8           the date of the enactment of this subsection, subject  
9           to any restriction or obligation imposed by the stipu-  
10          lated settlement agreement filed on January 17,  
11          1997, in the United States District Court for the  
12          Central District of California in Flores v. Reno, CV  
13          85–4544–RJK, (commonly known as the ‘Flores set-  
14          tlement agreement’), or imposed by any amendment  
15          of that agreement or judicial determination based on  
16          that agreement—

17                   “(A) shall be subject to the restrictions  
18                   and obligations in subsection (j) or imposed by  
19                   the William Wilberforce Trafficking Victims  
20                   Protection Reauthorization Act of 2008 (Public  
21                   Law 110–457); and

22                   “(B) shall not be subject to the restrictions  
23                   and the obligations imposed by such settlement  
24                   agreement or judicial determination.

1           “(2) OTHER SETTLEMENT AGREEMENTS OR  
2           CONSENT DECREES.—In any civil action with respect  
3           to the conditions of detention of alien children, the  
4           court shall not enter or approve a settlement agree-  
5           ment or consent decree unless it complies with the  
6           limitations set forth in subsection (j).”.

7 **SEC. 302. STOPPING ASYLUM FRAUD.**

8           (a) STANDARDS TO DETER FRAUD AND ADVANCE  
9           MERITORIOUS ASYLUM CLAIMS.—Section 235(b)(1)(B) of  
10          the Immigration and Nationality Act (8 U.S.C.  
11          1225(b)(1)(B)) is amended—

12                 (1) by amending clause (v) to read as follows:

13                         “(v) CREDIBLE FEAR OF PERSECU-  
14                         TION.—

15                                 “(I) IN GENERAL.—For purposes  
16                                 of this subparagraph, the term ‘cred-  
17                                 ible fear of persecution’ means that it  
18                                 is more likely than not that the alien  
19                                 would be able to establish eligibility  
20                                 for asylum under section 208—

21   “(aa) taking into account  
22   such facts as are known to the  
23   officer; and

24   “(bb) only if the officer has  
25   determined, under subsection

1 (b)(1)(B)(iii) of such section,  
2 that it is more likely than not  
3 that the statements made by the  
4 alien or on behalf of the alien are  
5 true.

6 “(II) BARS TO ASYLUM.—An  
7 alien shall not be determined to have  
8 a credible fear of persecution if the  
9 alien is prohibited from applying for  
10 or receiving asylum, including an alien  
11 subject to a limitation or condition  
12 under subsection (a)(2) or (b)(2) (in-  
13 cluding a regulation promulgated  
14 under such subsection) of section  
15 208.”; and

16 (2) by adding at the end the following:

17 “(vi) ELIGIBILITY FOR RELIEF.—

18 “(I) CREDIBLE FEAR REVIEW BY  
19 IMMIGRATION JUDGE.—An alien de-  
20 termined to have a credible fear of  
21 persecution shall be referred to an im-  
22 migration judge for review of such de-  
23 termination, which shall be limited to  
24 a determination whether the alien—

1           “(aa) is eligible for asylum  
2 under section 208, withholding of  
3 removal under section 241(b)(3),  
4 or protection under the Conven-  
5 tion Against Torture and Other  
6 Cruel, Inhuman or Degrading  
7 Treatment or Punishment, done  
8 at New York, December 10, 1984  
9 (referred to in this clause as the  
10 ‘Convention Against Torture’);  
11 and

12           “(bb) merits a grant of asy-  
13 lum in the exercise of discretion.

14           “(II) ALIENS WITH REASONABLE  
15 FEAR OF PERSECUTION.—

16           “(aa) IN GENERAL.—Except  
17 as provided in item (bb), if an  
18 alien referred under subpara-  
19 graph (A)(ii) is determined to  
20 have a reasonable fear of perse-  
21 cution or torture, the alien shall  
22 be eligible only for consideration  
23 of an application for withholding  
24 of removal under section

1 241(b)(3) or protection under the  
2 Convention Against Torture.

3 “(bb) EXCEPTION.—An  
4 alien shall not be eligible for con-  
5 sideration of an application for  
6 relief under item (aa) if the fail-  
7 ure of the alien to establish a  
8 credible fear of persecution pre-  
9 cludes the alien from eligibility  
10 for such relief.

11 “(cc) LIMITATION.—An  
12 alien whose application for relief  
13 is adjudicated under item (aa)  
14 shall not be eligible for any other  
15 form of relief or protection from  
16 removal.

17 “(vii) INELIGIBILITY FOR REMOVAL  
18 PROCEEDINGS.—An alien referred under  
19 subparagraph (A)(ii) shall not be eligible  
20 for a hearing under section 240.”

21 (b) AUTHORITY FOR CERTAIN ALIENS TO APPLY  
22 FOR ASYLUM.—Section 208(a)(2) of the Immigration and  
23 Nationality Act (8 U.S.C. 1158(a)(2)) is amended by add-  
24 ing at the end the following:

25 “(F) INELIGIBILITY FOR ASYLUM.—

1           “(i) IN GENERAL.—Notwithstanding  
2 any other provision of law, including para-  
3 graph (1), except as provided in clause (ii),  
4 an alien is ineligible for asylum if the  
5 alien—

6                   “(I) has been convicted of a fel-  
7 ony;

8                   “(II) is inadmissible under sec-  
9 tion 212(a) (except paragraphs (4),  
10 (5), and (7));

11                   “(III) has been previously re-  
12 moved from the United States; or

13                   “(IV) is a national or habitual  
14 resident of—

15                           “(aa) a country in Central  
16 America that has a refugee appli-  
17 cation and processing center; or

18                           “(bb) a country contiguous  
19 to such a country (other than  
20 Mexico).

21           “(ii) EXCEPTION.—Notwithstanding  
22 clause (i), paragraph (1) shall not apply to  
23 any alien who is present in the United  
24 States on the date of the enactment of this  
25 subparagraph.”.

1 **SEC. 303. HIRING AUTHORITY.**

2 (a) IMMIGRATION JUDGES.—The Attorney General  
3 shall increase—

4 (1) the number of immigration judges by not  
5 fewer than an additional 500 judges, as compared to  
6 the number of immigration judges as of the date of  
7 the enactment of this Act; and

8 (2) the corresponding number of support staff,  
9 as necessary.

10 (b) IMMIGRATION AND CUSTOMS ENFORCEMENT AT-  
11 TORNEYS.—The Director of U.S. Immigration and Cus-  
12 toms Enforcement shall increase the number of attorneys  
13 and staff employed by U.S. Immigration and Customs En-  
14 forcement by the number that is consistent with the work-  
15 load staffing model to support the increase in immigration  
16 judges.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated such sums as may be  
19 necessary for—

20 (1) the hiring of immigration judges, support  
21 staff, and U.S. Immigration and Customs Enforce-  
22 ment attorneys under this section; and

23 (2) the lease, purchase, or construction of facili-  
24 ties or equipment (including video teleconferencing  
25 equipment and equipment for electronic filing of im-

1 migration cases), and the transfer of federally owned  
2 temporary housing units to serve as facilities, for—

3 (A) the increased number of immigration  
4 judges, attorneys, and support staff under this  
5 section; and

6 (B) conducting immigration court pro-  
7 ceedings in close proximity to the locations at  
8 which aliens are apprehended and detained.

9 **SEC. 304. REFUGEE APPLICATION AND PROCESSING CEN-**  
10 **TERS.**

11 (a) DEFINITION.—Section 101(a) of the Immigration  
12 and Nationality Act (8 U.S.C. 1101(a)) is amended by  
13 adding at the end the following:

14 “(53) The term ‘refugee application and pro-  
15 cessing center’—

16 “(A) means a facility designated under sec-  
17 tion 207(g) by the Secretary of State to accept  
18 and process applications for refugee admissions  
19 to the United States; and

20 “(B) may include a United States em-  
21 bassy, consulate, or other diplomatic facility.”.

22 (b) DESIGNATION.—Section 207 of the Immigration  
23 and Nationality Act (8 U.S.C. 1157) is amended by add-  
24 ing at the end the following:



1       “(g) REFUGEE APPLICATION AND PROCESSING CEN-  
2 TERS.—

3           “(1) DESIGNATION.—Not later than 240 days  
4 after the date of the enactment of this subsection,  
5 the Secretary of State, in consultation with the Sec-  
6 retary of Homeland Security, shall designate refugee  
7 application and processing centers outside the  
8 United States.

9           “(2) LOCATIONS.—The Secretary of State shall  
10 establish—

11           “(A) 1 refugee application and processing  
12 center in Mexico; and

13           “(B) not fewer than 3 refugee application  
14 and processing centers in Central America at  
15 locations selected by the Secretary of State, in  
16 consultation with the Secretary of Homeland  
17 Security.

18           “(3) DUTIES OF SECRETARY OF STATE.—The  
19 Secretary of State, in coordination with the Sec-  
20 retary of Homeland Security, shall ensure that any  
21 alien who is a national or habitual resident of a  
22 country in which a refugee application and proc-  
23 essing center is located, or a country contiguous to  
24 such a country, may apply for refugee status at a

1       refugee application and processing center in that  
2       country.

3           “(4) ADJUDICATION BY ASYLUM OFFICERS.—  
4       An application for refugee status submitted to a ref-  
5       ugee application and processing center shall be adju-  
6       dicated by a asylum officer.

7           “(5) PRIORITY.—The Secretary of State shall  
8       ensure that refugee application and processing cen-  
9       ters accord priority to applications submitted—

10           “(A) by aliens who have been referred by  
11           an authorized nongovernmental organization, as  
12           determined by the Secretary of State;

13           “(B) not later than 90 days after the date  
14           on which such referral is made; and

15           “(C) in accordance with the requirements  
16           and procedures established by the Secretary of  
17           State under this subsection.

18           “(6) NUMBER OF REFERRALS AND GRANTS OF  
19       ADMISSION FOR REFUGEES.—The admission to the  
20       United States of refugees under this subsection shall  
21       be subject to the limitations, including the numerical  
22       limitations, under this section.

23           “(7) APPLICATION FEES.—

24           “(A) IN GENERAL.—The Secretary of  
25       State and the Secretary of Homeland Security

1 shall charge, collect, and account for fees pre-  
2 scribed by each such Secretary pursuant to sub-  
3 sections (m) and (n) of section 286 and section  
4 9701 of title 31, United States Code, for the  
5 purpose of receiving, docketing, processing, and  
6 adjudicating an application under this sub-  
7 section.

8 “(B) BASIS FOR FEES.—The fees pre-  
9 scribed under subparagraph (A) shall be based  
10 on a consideration of the amount necessary to  
11 deter frivolous applications and the cost for  
12 processing the application, including the imple-  
13 mentation of program integrity and anti-fraud  
14 measures.”.

15 (c) SUNSET.—The amendments made by this section  
16 shall cease to be effective beginning on the date that is  
17 three years and 240 days after the date of the enactment  
18 of this Act.

## 19 **TITLE IV—REPURPOSING** 20 **FEDERAL DRUG PROGRAMS**

### 21 **SEC. 401. REAUTHORIZATION OF BLOCK GRANTS FOR PRE-** 22 **VENTION AND TREATMENT OF SUBSTANCE** 23 **ABUSE.**

24 Section 1935(a) of the Public Health Service Act (42  
25 U.S.C. 300x–35(a)) is amended by striking

1 “\$1,858,079,000 for each of fiscal years 2018 through  
2 2022.” and inserting “\$3,961,600,000 for each of fiscal  
3 years 2023 through 2027”.

4 **SEC. 402. OFFSETTING REPEALS.**

5 (a) SUBSTANCE ABUSE TREATMENT PROGRAMS OF  
6 REGIONAL AND NATIONAL SIGNIFICANCE.—Section 509  
7 of the Public Health Service Act (42 U.S.C. 290bb–2) is  
8 hereby repealed.

9 (b) DRUG-FREE COMMUNITIES SUPPORT PRO-  
10 GRAM.—Chapter 2 of subtitle A of title I of the National  
11 Narcotics Leadership Act of 1988 (21 U.S.C. 1521 et  
12 seq.) is hereby repealed.

13 (c) COMMUNITY MENTAL HEALTH SERVICES BLOCK  
14 GRANT.—Subpart I of part B of title XIX of the Public  
15 Health Service Act (42 U.S.C. 300x et seq.) is hereby re-  
16 pealed.

17 (d) GRANTS FOR JAIL DIVERSION PROGRAMS.—Sec-  
18 tion 520G of the Public Health Service Act (42 U.S.C.  
19 290bb–38) is hereby repealed.

20 (e) PROJECT AWARE; CERTIFIED COMMUNITY BE-  
21 HAVIORAL HEALTH CLINICS EXPANSION GRANTS.—The  
22 Secretary of Health and Human Services shall terminate  
23 by the end of fiscal year 2022, and not establish any suc-  
24 cessor programs to, the following programs carried out

1 under section 520A of the Public Health Service Act (42  
2 U.S.C. 290bb–32):

3 (1) Project AWARE.

4 (2) The Certified Community Behavioral  
5 Health Clinics Expansion Grants program.

6 (f) PRIORITY SUBSTANCE USE DISORDER PREVEN-  
7 TION NEEDS OF REGIONAL AND NATIONAL SIGNIFI-  
8 CANCE.—Section 516 of the Public Health Service Act (42  
9 U.S.C. 290bb–22) is hereby repealed.

○