

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.

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

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 substance 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 SECUR-**
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 proc-
15 essing 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.

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