

#### 118TH CONGRESS 1ST SESSION

# H. R. 597

To improve the collection of intelligence regarding activities by drug trafficking organizations in certain foreign countries.

#### IN THE HOUSE OF REPRESENTATIVES

January 27, 2023

Mr. Davidson (for himself, Mr. Cline, Mr. Good of Virginia, Mr. Donalds, Mr. Higgins of Louisiana, Mr. Banks, Ms. Granger, Mr. Buck, Mrs. Boebert, Mr. Gosar, Mr. Sessions, Mr. Norman, Mr. Jackson of Texas, Mr. Perry, Mr. Tiffany, Mrs. Miller of Illinois, Mr. Babin, Mr. Carl, Mr. Duncan, Mr. Van Drew, Mr. Loudermilk, Mr. Alford, Mr. Wilson of South Carolina, Mr. Ogles, Mr. Lamalfa, Ms. De La Cruz, Mr. Ezell, Mr. Gimenez, Mr. Webster of Florida, Mr. Rouzer, Mr. Moore of Alabama, Mr. Bergman, Mr. Allen, Mr. Gooden of Texas, and Mr. Mann) 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 Accountability, 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.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

- 2 (a) SHORT TITLE.—This Act may be cited as the
- 3 "Stop the Cartels Act".
- 4 (b) Table of Contents for
- 5 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	count	ries and Me	xico;			

- (4) a summary of key methods and routes used by drug trafficking organizations in covered foreign 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.

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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 (4) an assessment of the intersection between 2 the activities of human traffickers and human smug-3 glers, drug trafficking organizations, and other orga-
- 4 nized criminal groups in covered foreign countries;
- 5 and
- 6 (5) an assessment of the illicit funds and finan-
- 7 cial transactions that support the activities of
- 8 human traffickers and human smugglers and con-
- 9 nected criminal enterprises in covered foreign coun-
- tries.
- 11 (b) FORM.—The report required by subsection (a)
- 12 may be submitted in classified form, but if so submitted,
- 13 shall contain an unclassified summary.
- (c) AVAILABILITY.—The report under subsection (a),
- 15 or the unclassified summary of the report described in
- 16 subsection (b), shall be made publicly available.
- 17 SEC. 103. PRIORITIZATION OF INTELLIGENCE RESOURCES
- 18 FOR COVERED FOREIGN COUNTRIES.
- 19 (a) Review of Intelligence Community Ef-
- 20 FORTS IN COVERED FOREIGN COUNTRIES.—The Director
- 21 of National Intelligence, in coordination with the Under
- 22 Secretary of Homeland Security for Intelligence and Anal-
- 23 ysis, the Assistant Secretary of State for Intelligence and
- 24 Research, the Chief of Intelligence of the Drug Enforce-
- 25 ment Administration, and other appropriate officials in

- 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.

#### (b) Reports.—

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(1) Report on initial review.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive description of the results of the review required by subsection (a), including whether the priorities described in that subsection are appropriate and sufficient in light of the threat posed by the activities of drug trafficking organizations and human traffickers and human smugglers to the security of the United States and the Western Hemisphere. If the report concludes that such priorities are not so appropriate and sufficient, the report shall also include a description of the actions to be taken to modify such priorities in order to assure that such priorities are so appropriate and sufficient.

- 1 (2) QUARTERLY REPORTS.—Not later than 90 2 days after the date on which the report under para-3 graph (1) is submitted, and every 90 days thereafter for a 5-year period, the Director of National Intel-5 ligence shall submit to the congressional intelligence 6 committees a report on the intelligence community's 7 collection priorities and activities in covered foreign 8 countries with a focus on the threat posed by the ac-9 tivities of drug trafficking organizations and human 10 traffickers and human smugglers to the security of 11 the United States and the Western Hemisphere. The 12 first report under this paragraph shall also include 13 a description of the amount of funds expended by 14 the intelligence community to the efforts described 15 in subsection (a) during each of fiscal years 2021 16 and 2022.
- 17 (c) FORM.—The reports required by subsection (b)
  18 may be submitted in classified form, but if so submitted,
  19 shall contain an unclassified summary.
- 20 SEC. 104. RESOLVING INTELLIGENCE SHARING AND CO-
- 21 **OPERATION AGREEMENTS.**
- None of the amounts appropriated to the Department
- 23 of State to combat the threats of drug trafficking,
- 24 transnational organized crime, and money laundering or
- 25 appropriated to the United States Agency for Inter-

- 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 elasped
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) 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-

ignation as a defense or an objection at any trial orhearing.

#### (b) Amendments to a Designation.—

- (1) In General.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.
- (2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.
- (3) Administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.
- (4) Classified information.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure

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

#### (c) Judicial Review of Designation.—

- (1) IN GENERAL.—Not later than 30 days after publication in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit.
- (2) Basis of Review.—Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation, amended designation, or determination in response to a petition for revocation.
- (3) Scope of Review.—The Court shall hold unlawful and set aside a designation, amended designation, or determination in response to a petition 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	$\operatorname{right};$
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 day of each month thereafter
11	the Secretary of Homeland Security, acting through the
12	Commissioner of U.S. Customs and Border Protection
13	(CBP), shall submit to the Committee on Homeland Secu-
14	rity of the House of Representatives and the Committee
15	on Homeland Security and Governmental Affairs of the
16	Senate a report relating to migrants. Each such report
17	shall cover the period of the immediately preceding month
18	and 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.
  - - (8) The total number of migrants whose detention was transferred by CBP to U.S. Immigration and Customs Enforcement (ICE).
    - (9) The total number of migrants paroled into the United States pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A).

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1	(10) The total number of migrants released or
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 or
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 or
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 or
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

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-

- mittees" means the Permanent Select Committee on
   Intelligence of the House of Representatives and the
   Select Committee on Intelligence of the Senate.
- 4 (3) COVERED FOREIGN COUNTRIES.—The term
  5 "covered foreign countries" means Mexico, Guate6 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.
  - (4) Human Trafficking.—The term "human trafficking" has the meaning given the term "severe forms of trafficking in persons" by section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102).
  - (5) Intelligence community.—The term "intelligence community" has the meaning given that term in section 3 of the National Security Act 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	<b>HUMAN TRAFFICKING AT THE</b>
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

shall charge, collect, and account for fees prescribed by each such Secretary pursuant to subsections (m) and (n) of section 286 and section

9701 of title 31, United States Code, for the
purpose of receiving, docketing, processing, and
adjudicating an application under this subsection.

"(B) Basis for fees.—The fees prescribed under subparagraph (A) shall be based on a consideration of the amount necessary to deter frivolous applications and the cost for processing the application, including the implementation of program integrity and anti-fraud 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

## FEDERAL DRUG PROGRAMS

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

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

- 1 \$1,908,079,000 for each of fiscal years 2023 through
- 2 2027" 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 2023, 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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