

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 175
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Deport Alien Gang
3 Members Act of 2026”.

**4 SEC. 2. GROUNDS OF INADMISSIBILITY AND DEPORT-
5 ABILITY FOR ALIEN GANG MEMBERS.**

6 (a) DEFINITION OF GANG MEMBER.—Section 101(a)
7 of the Immigration and Nationality Act (8 U.S.C.
8 1101(a)) is amended by adding at the end the following:
9 “(53) The term ‘criminal gang’ means an ongoing
10 group, club, organization, or association of 5 or more per-
11 sons that has as 1 of its primary purposes the commission
12 of 1 or more of the offenses described in this paragraph
13 and the members of which engage, or have engaged within
14 the past 5 years, in a continuing series of such offenses,
15 or that has been designated as a criminal gang by the Sec-
16 retary of Homeland Security, in consultation with the At-
17 torney General, as satisfying these criteria. The offenses
18 described, whether committed, in whole or in part, within

1 or outside of the United States and regardless of whether
2 the offenses occurred before, on, or after the date of the
3 enactment of this paragraph, are the following:

4 “(A) A Federal, State, local, or Tribal offense
5 that is punishable by imprisonment for more than 1
6 year and relates to a controlled substance (as so
7 classified under the relevant Federal, State, local, or
8 Tribal law), regardless of whether the substance is
9 classified as a controlled substance under section
10 102 of the Controlled Substances Act (21 U.S.C.
11 802).

12 “(B) A foreign offense that is punishable by im-
13 prisonment for more than 1 year and relates to a
14 controlled substance as defined under section 102 of
15 the Controlled Substances Act (21 U.S.C. 802).

16 “(C) An offense that is punishable by imprison-
17 ment for more than 1 year and involves firearms or
18 explosives (as defined under the relevant Federal,
19 State, local, Tribal, or foreign law) or in violation of
20 section 931 of title 18, United States Code (relating
21 to purchase, ownership, or possession of body armor
22 by violent felons).

23 “(D) An offense under section 274 (relating to
24 bringing in and harboring certain aliens), section
25 277 (relating to aiding or assisting certain aliens to

1 enter the United States), or section 278 (relating to
2 importation of alien for immoral purpose).

3 “(E) A crime of violence (as defined in section
4 16(a) of title 18, United States Code).

5 “(F) A crime involving obstruction of justice or
6 tampering with or retaliating against a witness, vic-
7 tim, or informant (as such terms are defined under
8 the relevant Federal, State, local, Tribal, or foreign
9 law).

10 “(G) A crime involving burglary (as such term
11 is defined under the relevant Federal, State, local,
12 Tribal, or foreign law).

13 “(H) Any conduct punishable under sections
14 1028, 1028A, and 1029 of title 18, United States
15 Code (relating to fraud, aggravated identity theft or
16 fraud and related activity in connection with identi-
17 fication documents or access devices), sections 1201
18 through 1204 of such title (relating to kidnapping,
19 ransom money, hostage taking, and international pa-
20 rental kidnapping), sections 1581 through 1594 of
21 such title (relating to peonage, slavery, and traf-
22 ficking in persons), section 1951 of such title (relat-
23 ing to interference with commerce by threats or vio-
24 lence), section 1952 of such title (relating to inter-
25 state and foreign travel or transportation in aid of

1 racketeering enterprises), section 1956 of such title
2 (relating to the laundering of monetary instru-
3 ments), section 1957 of such title (relating to engag-
4 ing in monetary transactions in property derived
5 from specified unlawful activity), sections 1959 and
6 1963 of such title (relating to violent crimes in aid
7 of racketeering activity and prohibited activities in-
8 volving racketeering), or sections 2312 through 2315
9 of such title (relating to interstate transportation of
10 stolen motor vehicles or stolen property).

11 “(I) A conspiracy to commit, an attempt to
12 commit, or aiding and abetting an offense described
13 in subparagraphs (A) through (H)”.

14 (b) INADMISSIBILITY.—Section 212(a)(2) of such Act
15 (8 U.S.C. 1182(a)(2)) is amended by adding at the end
16 the following:

17 “(J) ALIENS ASSOCIATED WITH CRIMINAL
18 GANGS.—Any alien is inadmissible who a con-
19 sular officer, an immigration officer, the Sec-
20 retary of Homeland Security, or the Attorney
21 General knows, or has reason to believe—

22 “(i) is, or has been, a member of a
23 criminal gang;

24 “(ii) has promoted, conspired with,
25 aided, abetted, or participated in the ac-

1 tivities of a criminal gang, whether within
2 or outside of the United States; or

3 “(iii) seeks to enter the United States,
4 or has entered the United States, in fur-
5 therance of the activities of a criminal
6 gang, whether those activities take place or
7 have taken place within or outside of the
8 United States.”.

9 (c) DEPORTABILITY.—Section 237(a)(2) of the Im-
10 migration and Nationality Act (8 U.S.C. 1227(a)(2)) is
11 amended by adding at the end the following:

12 “(G) ALIENS ASSOCIATED WITH CRIMINAL
13 GANGS.—Any alien is deportable who—

14 “(i) is, or has been, a member of a
15 criminal gang; or

16 “(ii) has promoted, conspired with,
17 aided, abetted, or participated in the ac-
18 tivities of a criminal gang, whether those
19 activities take place or have taken place
20 within or outside of the United States.”.

21 (d) DESIGNATION.—

22 (1) IN GENERAL.—Chapter 2 of title II of the
23 Immigration and Nationality Act (8 U.S.C. 1182) is
24 amended by inserting after section 219 the fol-
25 lowing:

“Sec. 220. Designation of criminal gang.

1 “(a) DESIGNATION.—

2 “(1) IN GENERAL.—The Secretary of Homeland
3 Security, in consultation with the Attorney General,
4 may designate a group, club, organization, or asso-
5 ciation of 5 or more persons as a criminal gang if
6 the Secretary finds that their conduct is described in
7 section 101(a)(53).

8 “(2) PROCEDURE.—

9 “(A) NOTIFICATION.—7 days before mak-
10 ing a designation under this subsection, the
11 Secretary shall, by classified communication,
12 notify the Speaker and minority leader of the
13 House of Representatives, the president pro
14 tempore, majority leader, and minority leader of
15 the Senate, and the members of the relevant
16 committees of the House of Representatives and
17 the Senate, in writing, of the intent to des-
18 ignate a group, club, organization, or associa-
19 tion of 5 or more persons under this subsection
20 and the factual basis therefor.

21 “(B) PUBLICATION IN THE FEDERAL REG-
22 ISTER.—The Secretary shall publish the des-
23 ignation in the Federal Register 7 days after
24 providing the notification under subparagraph
25 (A).

1 “(3) RECORD.—

2 “(A) IN GENERAL.—In making a designa-
3 tion under this subsection, the Secretary shall
4 create an administrative record.

5 “(B) CLASSIFIED INFORMATION.—The
6 Secretary may consider classified information in
7 making a designation under this subsection.
8 Classified information shall not be subject to
9 disclosure for such time as it remains classified,
10 except that such information may be disclosed
11 to a court ex parte and in camera for purposes
12 of judicial review under subsection (c).

13 “(4) PERIOD OF DESIGNATION.—

14 “(A) IN GENERAL.—A designation under
15 this subsection shall be effective for all purposes
16 until revoked under paragraph (5) or (6) or set
17 aside pursuant to subsection (c).

18 “(B) REVIEW OF DESIGNATION UPON PE-
19 TITION.—

20 “(i) IN GENERAL.—The Secretary
21 shall review the designation of a criminal
22 gang under the procedures set forth in
23 clauses (iii) and (iv) if the designated
24 group, club, organization, or association of
25 5 or more persons files a petition for rev-

1 ocation within the petition period described
2 in clause (ii).

3 “(ii) PETITION PERIOD.—For pur-
4 poses of clause (i)—

5 “(I) if the designated group,
6 club, organization, or association of 5
7 or more persons has not previously
8 filed a petition for revocation under
9 this subparagraph, the petition period
10 begins 2 years after the date on which
11 the designation was made; or

12 “(II) if the designated group,
13 club, organization, or association of 5
14 or more persons has previously filed a
15 petition for revocation under this sub-
16 paragraph, the petition period begins
17 2 years after the date of the deter-
18 mination made under clause (iv) on
19 that petition.

20 “(iii) PROCEDURES.—Any group,
21 club, organization, or association of 5 or
22 more persons that submits a petition for
23 revocation under this subparagraph of its
24 designation as a criminal gang must pro-

1 vide evidence in that petition that it is not
2 described in section 101(a)(53).

3 “(iv) DETERMINATION.—

4 “(I) IN GENERAL.—Not later
5 than 30 days after receiving a petition
6 for revocation submitted under this
7 subparagraph, the Secretary shall
8 make a determination as to such rev-
9 ocation.

10 “(II) CLASSIFIED INFORMA-
11 TION.—The Secretary may consider
12 classified information in making a de-
13 termination in response to a petition
14 for revocation. Classified information
15 shall not be subject to disclosure for
16 such time as it remains classified, ex-
17 cept that such information may be
18 disclosed to a court ex parte and in
19 camera for purposes of judicial review
20 under subsection (c).

21 “(III) PUBLICATION OF DETER-
22 MINATION.—A determination made by
23 the Secretary under this clause shall
24 be published in the Federal Register.

1 “(IV) PROCEDURES.—Any rev-
2 ocation by the Secretary shall be
3 made in accordance with paragraph
4 (6).

5 “(C) OTHER REVIEW OF DESIGNATION.—

6 “(i) IN GENERAL.—If in a 5-year pe-
7 riod no review has taken place under sub-
8 paragraph (B), the Secretary shall review
9 the designation of the criminal gang in
10 order to determine whether such designa-
11 tion should be revoked pursuant to para-
12 graph (6).

13 “(ii) PROCEDURES.—If a review does
14 not take place pursuant to subparagraph
15 (B) in response to a petition for revocation
16 that is filed in accordance with that sub-
17 paragraph, then the review shall be con-
18 ducted pursuant to procedures established
19 by the Secretary. The results of such re-
20 view and the applicable procedures shall
21 not be reviewable in any court.

22 “(iii) PUBLICATION OF RESULTS OF
23 REVIEW.—The Secretary shall publish any
24 determination made pursuant to this sub-
25 paragraph in the Federal Register.

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

4 “(6) REVOCATION BASED ON CHANGE IN CIR-
5 CUMSTANCES.—

6 “(A) IN GENERAL.—The Secretary may re-
7 voke a designation made under paragraph (1)
8 at any time, and shall revoke a designation
9 upon completion of a review conducted pursu-
10 ant to subparagraphs (B) and (C) of paragraph
11 (4) if the Secretary finds that—

12 “(i) the group, club, organization, or
13 association of 5 or more persons that has
14 been designated as a criminal gang is no
15 longer described in section 101(a)(53); or

16 “(ii) the national security or the law
17 enforcement interests of the United States
18 warrants a revocation.

19 “(B) PROCEDURE.—The procedural re-
20 quirements of paragraphs (2) and (3) shall
21 apply to a revocation under this paragraph. Any
22 revocation shall take effect on the date specified
23 in the revocation or upon publication in the
24 Federal Register if no effective date is specified.

1 “(7) EFFECT OF REVOCATION.—The revocation
2 of a designation under paragraph (5) or (6) shall
3 not affect any action or proceeding based on conduct
4 committed prior to the effective date of such revoca-
5 tion.

6 “(8) USE OF DESIGNATION IN TRIAL OR HEAR-
7 ING.—If a designation under this subsection has be-
8 come effective under paragraph (2) an alien in a re-
9 moval proceeding shall not be permitted to raise any
10 question concerning the validity of the issuance of
11 such designation as a defense or an objection.

12 “(b) AMENDMENTS TO A DESIGNATION.—

13 “(1) IN GENERAL.—The Secretary may amend
14 a designation under this subsection if the Secretary
15 finds that the group, club, organization, or associa-
16 tion of 5 or more persons has changed its name,
17 adopted a new alias, dissolved and then reconsti-
18 tuted itself under a different name or names, or
19 merged with another group, club, organization, or
20 association of 5 or more persons.

21 “(2) PROCEDURE.—Amendments made to a
22 designation in accordance with paragraph (1) shall
23 be effective upon publication in the Federal Register.
24 Paragraphs (2), (4), (5), (6), (7), and (8) of sub-

1 section (a) shall also apply to an amended designa-
2 tion.

3 “(3) ADMINISTRATIVE RECORD.—The adminis-
4 trative record shall be corrected to include the
5 amendments as well as any additional relevant infor-
6 mation that supports those amendments.

7 “(4) CLASSIFIED INFORMATION.—The Sec-
8 retary may consider classified information in amend-
9 ing a designation in accordance with this subsection.
10 Classified information shall not be subject to disclo-
11 sure for such time as it remains classified, except
12 that such information may be disclosed to a court ex
13 parte and in camera for purposes of judicial review
14 under subsection (c) of this section.

15 “(c) JUDICIAL REVIEW OF DESIGNATION.—

16 “(1) IN GENERAL.—Not later than 30 days
17 after publication in the Federal Register of a des-
18 ignation, an amended designation, or a determina-
19 tion in response to a petition for revocation, the des-
20 ignated group, club, organization, or association of 5
21 or more persons may seek judicial review in the
22 United States Court of Appeals for the District of
23 Columbia Circuit.

24 “(2) BASIS OF REVIEW.—Review under this
25 subsection shall be based solely upon the administra-

1 tive record, except that the Government may submit,
2 for ex parte and in camera review, classified infor-
3 mation used in making the designation, amended
4 designation, or determination in response to a peti-
5 tion for revocation.

6 “(3) SCOPE OF REVIEW.—The Court shall hold
7 unlawful and set aside a designation, amended des-
8 ignation, or determination in response to a petition
9 for revocation the court finds to be—

10 “(A) arbitrary, capricious, an abuse of dis-
11 cretion, or otherwise not in accordance with
12 law;

13 “(B) contrary to constitutional right,
14 power, privilege, or immunity;

15 “(C) in excess of statutory jurisdiction, au-
16 thority, or limitation, or short of statutory
17 right;

18 “(D) lacking substantial support in the ad-
19 ministrative record taken as a whole or in clas-
20 sified information submitted to the court under
21 paragraph (2); or

22 “(E) not in accord with the procedures re-
23 quired by law.

24 “(4) JUDICIAL REVIEW INVOKED.—The pend-
25 ency of an action for judicial review of a designation,

1 amended designation, or determination in response
2 to a petition for revocation shall not affect the appli-
3 cation of this section, unless the court issues a final
4 order setting aside the designation, amended des-
5 igation, or determination in response to a petition
6 for revocation.

7 “(5) EXPEDITED REVIEW.—It shall be the duty
8 of the Court to advance on the docket and expedite
9 to the greatest possible extent the disposition of any
10 case considered under this subsection.

11 “(d) DEFINITIONS.—As used in this section—

12 “(1) the term ‘classified information’ has the
13 meaning given that term in section 1(a) of the Clas-
14 sified Information Procedures Act (18 U.S.C. App.);

15 “(2) the term ‘national security’ means the na-
16 tional defense, foreign relations, or economic inter-
17 ests of the United States;

18 “(3) the term ‘relevant committees’ means the
19 Committees on the Judiciary of the Senate and of
20 the House of Representatives; and

21 “(4) the term ‘Secretary’ means the Secretary
22 of Homeland Security, in consultation with the At-
23 torney General.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents for such Act is amended by inserting after the
3 item relating to section 219 the following:

“Sec. 220. Designation.”.

4 (e) MANDATORY DETENTION OF CRIMINAL GANG
5 MEMBERS.—

6 (1) IN GENERAL.—Section 236(c)(1) of the Im-
7 migration and Nationality Act (8 U.S.C. 1226(c)(1))
8 is amended—

9 (A) in subparagraph (D), by striking “or”
10 at the end;

11 (B) in subparagraph (E), by inserting “or”
12 at the end; and

13 (C) by inserting after subparagraph (E)
14 the following:

15 “(F) is inadmissible under section
16 212(a)(2)(J) or deportable under section
17 237(a)(2)(G),”.

18 (2) ANNUAL REPORT.—Not later than March 1
19 of each year (beginning 1 year after the date of the
20 enactment of this Act), the Secretary of Homeland
21 Security, after consultation with the appropriate
22 Federal agencies, shall submit a report to the Com-
23 mittees on the Judiciary of the House of Represent-
24 atives and of the Senate on the number of aliens de-

1 tained under the amendments made by paragraph
2 (1).

3 (f) INELIGIBILITY FOR IMMIGRATION RELIEF.—

4 (1) INAPPLICABILITY OF RESTRICTION ON RE-
5 MOVAL TO CERTAIN COUNTRIES.—Section
6 241(b)(3)(B) of the Immigration and Nationality
7 Act (8 U.S.C. 1231(b)(3)(B)) is amended, in the
8 matter preceding clause (i), by inserting “who is de-
9 scribed in section 212(a)(2)(J) or section
10 237(a)(2)(G) or who is” after “to an alien”.

11 (2) INELIGIBILITY FOR ASYLUM.—Section
12 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A))
13 (as amended by section 201 of this Act) is further
14 amended—

15 (A) in clause (v), by striking “or” at the
16 end;

17 (B) by redesignating clause (vi) as clause
18 (vii); and

19 (C) by inserting after clause (v) the fol-
20 lowing:

21 “(vi) the alien is described in section
22 212(a)(2)(J) or section 237(a)(2)(G); or”.

23 (g) TEMPORARY PROTECTED STATUS.—Section 244
24 of such Act (8 U.S.C. 1254a) is amended—

25 (1) in subsection (c)(2)(B)—

1 (A) in clause (i), by striking “or” at the
2 end;

3 (B) in clause (ii), by striking the period
4 and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(iii) the alien is, or at any time has
7 been, described in section 212(a)(2)(J) or
8 section 237(a)(2)(G).”; and

9 (2) in subsection (d)—

10 (A) by striking paragraph (3); and

11 (B) in paragraph (4), by adding at the end
12 the following: “The Secretary of Homeland Se-
13 curity may detain an alien provided temporary
14 protected status under this section whenever
15 appropriate under any other provision of law.”.

16 (h) SPECIAL IMMIGRANT JUVENILE VISAS.—Section
17 101(a)(27)(J)(iii) of the Immigration and Nationality Act
18 (8 U.S.C. 1101(a)(27)(J)(iii)) is amended—

19 (1) in subclause (I), by striking “and”;

20 (2) in subclause (II), by adding “and” at the
21 end; and

22 (3) by adding at the end the following:

23 “(III) no alien who is, or at any
24 time has been, described in section
25 212(a)(2)(J) or section 237(a)(2)(G)

1 shall be eligible for any immigration
2 benefit under this subparagraph;”.

3 (i) PAROLE.—An alien described in section
4 212(a)(2)(J) of the Immigration and Nationality Act, as
5 added by subsection (b), shall not be eligible for parole
6 under section 212(d)(5)(A) of such Act unless—

7 (1) the alien is assisting or has assisted the
8 United States Government in a law enforcement
9 matter, including a criminal investigation; and

10 (2) the alien’s presence in the United States is
11 required by the Government with respect to such as-
12 sistance.

13 (j) INELIGIBILITY FOR OTHER RELIEF.—An alien
14 described in section 212(a)(2)(J) or 237(a)(2)(G) of the
15 Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(J)
16 or 1227(a)(2)(G)) shall be ineligible for any other relief
17 under the immigration laws, including under section 2242
18 of the Omnibus Consolidated and Emergency Supple-
19 mental Appropriations Act, 1999 (and any regulations
20 issued pursuant to such section).

21 (k) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect on the date of the enactment
23 of this Act and shall apply to acts that occur before, on,
24 or after the date of the enactment of this Act.

