

109TH CONGRESS
2^D SESSION

H. R. 5291

To require the Attorney General to develop a national strategy to eliminate the illegal operations of the top three international drug gangs that present the greatest threat to law and order in the United States.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2006

Mr. REICHERT (for himself and Mr. KIRK) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the Attorney General to develop a national strategy to eliminate the illegal operations of the top three international drug gangs that present the greatest threat to law and order in the United States.

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.**

4 This Act may be cited as the “Gang Elimination Act
5 of 2006”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) The number of documented members of
2 gangs located in the United States has grown to
3 over 800,000. This number is larger than all but six
4 armies in the world.

5 (2) Gangs run by international drug cartels
6 represent a clear and present danger to the national
7 security of the United States.

8 (3) Drug gangs have become one of the prin-
9 ciple means of importing and distributing illegal nar-
10 cotics in the United States.

11 (4) Drug gangs are now operating within sub-
12 urban communities. Some police departments and
13 some sheriffs' offices located in such communities
14 are less prepared than police departments and sher-
15 iffs' offices located in urban communities to reduce
16 this threat.

17 (5) The average recruit into a gang is in the
18 seventh grade.

19 (6) Gangs run by international drug cartels
20 now number in the hundreds of thousands, across
21 city, State, and national boundaries.

22 (7) Current efforts by municipal and State law
23 enforcement communities have not eliminated this
24 threat to the Nation, law and order, or to children.

1 (8) Only the Federal Government can muster
2 the strategy, resources, and intelligence to remove
3 this growing danger to the people in the United
4 States.

5 **SEC. 3. NATIONAL STRATEGY TO ELIMINATE THE ILLEGAL**
6 **OPERATIONS OF THE THREE INTER-**
7 **NATIONAL DRUG GANGS THAT PRESENT THE**
8 **BIGGEST THREAT IN THE UNITED STATES.**

9 (a) IN GENERAL.—Not later than one year after the
10 date of the enactment of this Act, the Attorney General,
11 in consultation with the Secretary of Homeland Security,
12 shall submit to Congress a report, in both classified and
13 unclassified form, setting forth a national strategy to
14 eliminate within the period that is four years after the
15 date of such submission the illegal operations of each Na-
16 tional Threat Drug Gang designated under subsection (b).
17 In addition to such strategy, the report shall include the
18 following information:

19 (1) A list identifying each of such National
20 Threat Drug Gangs.

21 (2) A description of the composition, oper-
22 ations, strengths, and weaknesses of each of such
23 National Threat Drug Gangs.

24 (b) DESIGNATION OF NATIONAL THREAT DRUG
25 GANGS.—In developing the national strategy under sub-

1 section (a), the Attorney General shall identify the top
2 three international drug gangs that present the greatest
3 threat to law and order in the United States and shall
4 designate each such gang as a “National Threat Drug
5 Gang”. For purposes of identifying such gangs, the Attor-
6 ney General shall consider—

7 (1) the extent to which, for the purpose of com-
8 mitting a drug-related offense, the gang conducts ac-
9 tivities with any international terrorist organization
10 or state designated by the Secretary of State as a
11 state sponsor of terrorism, as compared to the ex-
12 tent to which other international drug gangs conduct
13 such activities for such purpose;

14 (2) the volume of controlled substances (as de-
15 fined in section 102 of the Controlled Substance Act
16 (21 U.S.C. 802)) that such gang imports to or dis-
17 tributes within the United States, as compared to
18 the volume of controlled substances that other inter-
19 national drug gangs import to or distribute within
20 the United States; and

21 (3) the extent to which the gang is a threat to
22 children and schools within the United States, as
23 compared to the extent to which other international
24 drug gangs are such a threat.

25 (c) DEFINITIONS.—For purposes of this Act:

1 (1) DRUG GANG.—The term “drug gang”
2 means an ongoing group, club, organization, or asso-
3 ciation of 50 or more individuals—

4 (A) that has as one of its primary pur-
5 poses the commission of one or more drug-re-
6 lated offenses;

7 (B) the members of which engage, or have
8 engaged within the past five years, in a con-
9 tinuing series of drug-related offenses; and

10 (C) the activities of which—

11 (i) include crimes of violence, as de-
12 fined in section 16 of title 18, United
13 States Code (including rape); and

14 (ii) affect interstate or foreign com-
15 merce.

16 (2) DRUG-RELATED OFFENSE.—The term
17 “drug-related offense” means—

18 (A) a Federal felony involving a controlled
19 substance (as defined in section 102 of the Con-
20 trolled Substances Act (21 U.S.C. 802)) for
21 which the maximum penalty is not less than 5
22 years, including a crime involving the manufac-
23 turing, importing, distributing, dispensing, or
24 possessing with the intent to manufacture, dis-

1 tribute, or dispense such a controlled substance;
2 and

3 (B) a conspiracy to commit an offense de-
4 scribed in subparagraph (A).

5 (3) INTERNATIONAL DRUG GANG.—The term
6 “international drug gang” means a drug gang
7 that—

8 (A) conducts activities that affect foreign
9 commerce; or

10 (B) conspires with another drug gang that
11 conducts activities that affect foreign com-
12 merce.

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