

110TH CONGRESS
1ST SESSION

H. R. 4545

To target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2007

Ms. JACKSON-LEE of Texas (for herself, Mr. CLYBURN, Mr. SHAYS, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. DAVIS of Illinois, Mr. SCOTT of Georgia, Mr. JEFFERSON, Mr. WYNN, Mr. ELLISON, Ms. LEE, Mr. SERRANO, Mr. RUSH, Ms. NORTON, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. FATTAH, Mr. GRIJALVA, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. MEEKS of New York, and Mr. COHEN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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 target cocaine kingpins and address sentencing disparity between crack and powder cocaine.

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 “Drug Sentencing Re-
5 form and Cocaine Kingpin Trafficking Act of 2007”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Cocaine base (commonly known as “crack
4 cocaine”) is made by dissolving cocaine hydro-
5 chloride (commonly known as “powder cocaine”) in
6 a solution of sodium bicarbonate (or a similar agent)
7 and water. Therefore, crack and powder cocaine are
8 simply different forms of the same substance and all
9 crack cocaine originates as powder cocaine.

10 (2) The physiological and psychotropic effects
11 of cocaine are similar regardless of whether it is in
12 the form of cocaine base (crack) or cocaine hydro-
13 chloride (powder).

14 (3) One of the principal objectives of the Anti-
15 Drug Abuse Act of 1986, which established different
16 mandatory minimum penalties for different drugs,
17 was to target Federal law enforcement and prosecu-
18 torial resources on serious and major drug traf-
19 fickers.

20 (4) In 1986, Congress linked mandatory min-
21 imum penalties to different drug quantities, which
22 were intended to serve as proxies for identifying of-
23 fenders who were “serious” traffickers (managers of
24 retail drug trafficking) and “major” traffickers
25 (manufacturers or the kingpins who headed drug or-
26 ganizations).

1 (5) Although drug purity and individual toler-
2 ance vary, making it difficult to state with specificity
3 the individual dose of each form of cocaine, 5 grams
4 of powder cocaine generally equals 25 to 50 indi-
5 vidual doses and 500 grams of powder cocaine gen-
6 erally equals 2,500 to 5,000 individual doses, while
7 5 grams of crack cocaine generally equals 10 to 50
8 individual doses (or enough for a heavy user to con-
9 sume in one weekend) and 500 grams of crack co-
10 caine generally equals 100 to 500 individual doses.

11 (6) In part because Congress believed that
12 crack cocaine had unique properties that made it in-
13 stantly addictive, the Anti-Drug Abuse Act of 1986
14 established an enormous disparity (a 100 to 1 pow-
15 der-to-crack ratio) in the quantities of powder and
16 crack cocaine that trigger 5- and 10-year mandatory
17 minimum sentences. This disparity permeates the
18 Sentencing Guidelines.

19 (7) Congress also based its decision to establish
20 the 100 to 1 quantity ratio on the beliefs that—

21 (A) crack cocaine distribution and use was
22 associated with violent crime to a much greater
23 extent than was powder cocaine;

1 (B) prenatal exposure to crack cocaine was
2 particularly devastating for children of crack
3 users;

4 (C) crack use was particularly prevalent
5 among young people; and

6 (D) crack cocaine's potency, low cost and
7 ease of distribution and use were fueling its
8 widespread use.

9 (8) As a result, it takes 100 times more powder
10 cocaine than crack cocaine to trigger the 5- and 10-
11 year mandatory minimum sentences. While it takes
12 500 grams of powder cocaine to trigger the 5-year
13 mandatory minimum sentence, it takes just 5 grams
14 of crack cocaine to trigger that sentence. Similarly,
15 while it takes 5 kilograms of powder cocaine to trig-
16 ger the 10-year mandatory minimum sentence, 50
17 grams of crack cocaine will trigger the same sen-
18 tence.

19 (9) Most of the assumptions on which the cur-
20 rent penalty structure was based have turned out to
21 be unfounded.

22 (10) Studies comparing usage of powder and
23 crack cocaine have shown that there is little dif-
24 ference between the 2 forms of the drug and fun-
25 damentally undermine the current quantity-based

1 sentencing disparity. More specifically, the studies
2 have shown the following:

3 (A) Both forms of cocaine cause identical
4 effects, although crack is smoked, while powder
5 cocaine is typically snorted. Epidemiological
6 data show that smoking a drug delivers it to
7 the brain more rapidly, which increases likeli-
8 hood of addiction. Therefore, differences in the
9 typical method of administration of the two
10 forms of the drug, and not differences in the in-
11 herent properties of the two forms of the drug,
12 make crack cocaine potentially more addictive
13 to typical users than powder cocaine. Both
14 forms of the drug are addictive, however, and
15 the treatment protocol for the drug is the same
16 regardless of the form of the drug the patient
17 has used;

18 (B) Violence committed by crack users is
19 relatively rare, and overall violence has de-
20 creased for both powder and crack cocaine of-
21 fenses. Almost all crack-related violence is sys-
22 temic violence that occurs within the drug dis-
23 tribution process. Sentencing enhancements are
24 better suited to punish associated violence,

1 which are separate, pre-existing crimes in and
2 of themselves;

3 (C) The negative effects of prenatal expo-
4 sure to crack cocaine were vastly overstated.
5 They are identical to the effects of prenatal ex-
6 posure to powder cocaine and do not serve as
7 a justification for the sentencing disparity be-
8 tween crack and powder;

9 (D) Although Congress in the mid-1980s
10 was understandably concerned that the low-cost
11 and potency of crack cocaine would fuel an epi-
12 demic of use by minors, the epidemic of crack
13 cocaine use by young people never materialized
14 to the extent feared. In fact, in 2005, the rate
15 of powder cocaine use among young adults was
16 almost 7 times as high as the rate of crack co-
17 caine use. Furthermore, sentencing data sug-
18 gest that young people do not play a major role
19 in crack cocaine trafficking at the Federal level;

20 (E) The current 100:1 penalty structure
21 undermines various congressional objectives set
22 forth in the Anti-Drug Abuse Act of 1986.
23 Data collected by the United States Sentencing
24 Commission show that federal resources have
25 been targeted at offenders who are subject to

1 the mandatory minimum sentences, which
2 sweep in low-level crack cocaine users and deal-
3 ers.

4 (11) In 1988, Congress set a mandatory min-
5 imum sentence for mere possession of crack cocaine,
6 the only controlled substance for which there is a
7 mandatory minimum sentence for simple possession
8 for a first-time offender.

9 (12) Major drug traffickers and kingpins traffic
10 in powder, not crack.

11 (13) Contrary to Congress's objective of focus-
12 ing Federal resources on drug kingpins, the majority
13 of Federal powder and crack cocaine offenders are
14 those who perform low level functions in the supply
15 chain.

16 (14) As a result of the low-level drug quantities
17 that trigger lengthy mandatory minimum penalties
18 for crack cocaine, the concentration of lower level
19 Federal offenders is particularly pronounced among
20 crack cocaine offenders, more than half of whom
21 were street level dealers in 2005.

22 (15) The Departments of Justice, Treasury,
23 and Homeland Security are the agencies with the
24 greatest capacity to investigate, prosecute and dis-
25 mantle the highest level of drug trafficking organiza-

1 tions, but investigations and prosecutions of low-
2 level offenders divert Federal personnel and re-
3 sources from the prosecution of the highest-level
4 traffickers, for which such agencies are best suited.

5 (16) The unwarranted sentencing disparity not
6 only overstates the relative harmfulness of the two
7 forms of the drug and diverts Federal resources
8 from high-level drug traffickers. It also dispro-
9 portionately affects the African-American community.
10 According to the United States Sentencing Commis-
11 sion’s May 2007 Report, 82 percent of Federal
12 crack cocaine offenders sentenced in 2006 were Afri-
13 can-American, while 8 percent were Hispanic and 8
14 percent were white.

15 (17) Only 13 States have sentencing laws that
16 distinguish between powder and crack cocaine.

17 **SEC. 3. COCAINE SENTENCING DISPARITY ELIMINATION.**

18 (a) CSA.—Section 401(b)(1) of the Controlled Sub-
19 stances Act (21 U.S.C. 841(b)(1)) is amended—

20 (1) in subparagraph (A)(iii), by striking “50
21 grams” and inserting “5 kilograms”; and

22 (2) in subparagraph (B)(iii), by striking “5
23 grams” and inserting “500 grams.”

1 (b) IMPORT AND EXPORT ACT.—Section 1010(b) of
2 the Controlled Substances Import and Export Act (21
3 U.S.C. 960(b)) is amended—

4 (1) in paragraph (1)(C), by striking “50
5 grams” and inserting “5 kilograms”; and

6 (2) in paragraph (2)(C), by striking “5 grams”
7 and inserting “500 grams”.

8 **SEC. 4. ELIMINATION OF MANDATORY MINIMUM FOR SIM-**
9 **PLE POSSESSION.**

10 Section 404(a) of the Controlled Substances Act (21
11 U.S.C. 844(a)) is amended by striking the sentence begin-
12 ning “Notwithstanding the preceding sentence,”.

13 **SEC. 5. INCREASED EMPHASIS ON CERTAIN AGGRAVATING**
14 **AND MITIGATING FACTORS.**

15 Pursuant to its authority under section 994 of title
16 28, United States Code, the United States Sentencing
17 Commission shall review and, if appropriate, amend the
18 sentencing guidelines to ensure that the penalties for an
19 offense involving trafficking of a controlled substance—

20 (1) provide tiered enhancements for the involve-
21 ment of a dangerous weapon or violence, including,
22 if appropriate—

23 (A) an enhancement for the use or
24 brandishment of a dangerous weapon;

1 (B) an enhancement for the use, or threat-
2 ened use, of violence; and

3 (C) any other enhancement the Commis-
4 sion considers necessary;

5 (2) adequately take into account the culpability
6 of the defendant and the role of the defendant in the
7 offense, including consideration of whether enhance-
8 ments should be added, either to the existing en-
9 hancements for aggravating role or otherwise, that
10 take into account aggravating factors associated
11 with the offense, including—

12 (A) whether the defendant committed the
13 offense as part of a pattern of criminal conduct
14 engaged in as a livelihood;

15 (B) whether the defendant is an organizer
16 or leader of drug trafficking activities involving
17 5 or more persons;

18 (C) whether the defendant maintained an
19 establishment for the manufacture or distribu-
20 tion of the controlled substance;

21 (D) whether the defendant distributed a
22 controlled substance to an individual under the
23 age of 21 years of age or to a pregnant woman;

1 (E) whether the defendant involved an in-
2 dividual under the age of 18 years or a preg-
3 nant woman in the offense;

4 (F) whether the defendant manufactured
5 or distributed the controlled substance in a lo-
6 cation described in section 409(a) or section
7 419(a) of the Controlled Substances Act (21
8 U.S.C. 849(a) or 860(a));

9 (G) whether the defendant bribed, or at-
10 tempted to bribe, a Federal, State, or local law
11 enforcement officer in connection with the of-
12 fense;

13 (H) whether the defendant was involved in
14 importation into the United States of a con-
15 trolled substance;

16 (I) whether bodily injury or death occurred
17 in connection with the offense;

18 (J) whether the defendant committed the
19 offense after previously being convicted of a fel-
20 ony controlled substances offense; and

21 (K) any other factor the Commission con-
22 siders necessary; and

23 (3) adequately take into account mitigating fac-
24 tors associated with the offense, including—

1 (A) whether the defendant had minimum
2 knowledge of the illegal enterprise;

3 (B) whether the defendant received little or
4 no compensation in connection with the offense;

5 (C) whether the defendant acted on im-
6 pulse, fear, friendship, or affection when the de-
7 fendant was otherwise unlikely to commit such
8 an offense; and

9 (D) whether any maximum base offense
10 level should be established for a defendant who
11 qualifies for a mitigating role adjustment.

12 **SEC. 6. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.**

13 (a) GRANT PROGRAM AUTHORIZED.—The Attorney
14 General shall carry out a grant program under which the
15 Attorney General may make grants to States, units of
16 local government, territories, and Indian tribes in an
17 amount described in subsection (c) to improve the provi-
18 sion of drug treatment to offenders in prisons, jails, and
19 juvenile facilities.

20 (b) REQUIREMENTS FOR APPLICATION.—

21 (1) IN GENERAL.—To be eligible to receive a
22 grant under subsection (a) for a fiscal year, an enti-
23 ty described in that subsection shall, in addition to
24 any other requirements specified by the Attorney
25 General, submit to the Attorney General an applica-

1 tion that demonstrates that, with respect to offend-
2 ers in prisons, jails, and juvenile facilities who re-
3 quire drug treatment and who are in the custody of
4 the jurisdiction involved, during the previous fiscal
5 year that entity provided drug treatment meeting
6 the standards established by the Single State Au-
7 thority for Substance Abuse (as that term is defined
8 in section 201) for the relevant State to a number
9 of such offenders that is 2 times the number of such
10 offenders to whom that entity provided drug treat-
11 ment during the fiscal year that is 2 years before
12 the fiscal year for which that entity seeks a grant.

13 (2) OTHER REQUIREMENTS.—An application
14 under this section shall be submitted in such form
15 and manner and at such time as specified by the At-
16 torney General.

17 (c) ALLOCATION OF GRANT AMOUNTS BASED ON
18 DRUG TREATMENT PERCENT DEMONSTRATED.—The At-
19 torney General shall allocate amounts under this section
20 for a fiscal year based on the percent of offenders de-
21 scribed in subsection (b)(1) to whom an entity provided
22 drug treatment in the previous fiscal year, as dem-
23 onstrated by that entity in its application under that sub-
24 section.

1 (d) USES OF GRANTS.—A grant awarded to an entity
2 under subsection (a) shall be used—

3 (1) for continuing and improving drug treat-
4 ment programs provided at prisons, jails, and juve-
5 nile facilities of that entity; and

6 (2) to strengthen rehabilitation efforts for of-
7 fenders by providing addiction recovery support serv-
8 ices, such as job training and placement, education,
9 peer support, mentoring, and other similar services.

10 (e) REPORTS.—An entity that receives a grant under
11 subsection (a) during a fiscal year shall, not later than
12 the last day of the following fiscal year, submit to the At-
13 torney General a report that describes and assesses the
14 uses of such grant.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated \$10,000,000 to carry
17 out this section for each of fiscal years 2008 and 2009.

18 **SEC. 7. GRANTS FOR DEMONSTRATION PROGRAMS TO RE-**

19 **DUCE DRUG USE SUBSTANCE ABUSERS.**

20 (a) AWARDS REQUIRED.—The Attorney General may
21 make competitive grants to eligible partnerships, in ac-
22 cordance with this section, for the purpose of establishing
23 demonstration programs to reduce the use of alcohol and
24 other drugs by supervised substance abusers during the
25 period in which each such substance abuser is in prison,

1 jail, or a juvenile facility, and until the completion of pa-
2 role or court supervision of such abuser.

3 (b) USE OF GRANT FUNDS.—A grant made under
4 subsection (a) to an eligible partnership for a demonstra-
5 tion program, shall be used—

6 (1) to support the efforts of the agencies, orga-
7 nizations, and researchers included in the eligible
8 partnership, with respect to the program for which
9 a grant is awarded under this section;

10 (2) to develop and implement a program for su-
11 pervised substance abusers during the period de-
12 scribed in subsection (a), which shall include—

13 (A) alcohol and drug abuse assessments
14 that—

15 (i) are provided by a State-approved
16 program;

17 (ii) provide adequate incentives for
18 completion of a comprehensive alcohol or
19 drug abuse treatment program, including
20 through the use of graduated sanctions;
21 and

22 (B) coordinated and continuous delivery of
23 drug treatment and case management services
24 during such period; and

1 (3) to provide addiction recovery support serv-
2 ices (such as job training and placement, peer sup-
3 port, mentoring, education, and other related serv-
4 ices) to strengthen rehabilitation efforts for sub-
5 stance abusers.

6 (c) APPLICATION.—To be eligible for a grant under
7 subsection (a) for a demonstration program, an eligible
8 partnership shall submit to the Attorney General an appli-
9 cation that—

10 (1) identifies the role, and certifies the involve-
11 ment, of each agency, organization, or researcher in-
12 volved in such partnership, with respect to the pro-
13 gram;

14 (2) includes a plan for using judicial or other
15 criminal or juvenile justice authority to supervise the
16 substance abusers who would participate in a dem-
17 onstration program under this section, including
18 for—

19 (A) administering drug tests for such
20 abusers on a regular basis; and

21 (B) swiftly and certainly imposing an es-
22 tablished set of graduated sanctions for non-
23 compliance with conditions for reentry into the
24 community relating to drug abstinence (whether

1 imposed as a pre-trial, probation, or parole con-
2 dition, or otherwise);

3 (3) includes a plan to provide supervised sub-
4 stance abusers with coordinated and continuous
5 services that are based on evidence-based strategies
6 and that assist such abusers by providing such abus-
7 ers with—

8 (A) drug treatment while in prison, jail, or
9 a juvenile facility;

10 (B) continued treatment during the period
11 in which each such substance abuser is in pris-
12 on, jail, or a juvenile facility, and until the com-
13 pletion of parole or court supervision of such
14 abuser;

15 (C) addiction recovery support services;

16 (D) employment training and placement;

17 (E) family-based therapies;

18 (F) structured post-release housing and
19 transitional housing, including housing for re-
20 covering substance abusers; and

21 (G) other services coordinated by appro-
22 priate case management services;

23 (4) includes a plan for coordinating the data in-
24 frastructures among the entities included in the eli-
25 gible partnership and between such entities and the

1 providers of services under the demonstration pro-
2 gram involved (including providers of technical as-
3 sistance) to assist in monitoring and measuring the
4 effectiveness of demonstration programs under this
5 section; and

6 (5) includes a plan to monitor and measure the
7 number of substance abusers—

8 (A) located in each community involved;

9 and

10 (B) who improve the status of their em-
11 ployment, housing, health, and family life.

12 (d) REPORTS TO CONGRESS.—

13 (1) INTERIM REPORT.—Not later than Sep-
14 tember 30, 2008, the Attorney General shall submit
15 to Congress a report that identifies the best prac-
16 tices relating to the comprehensive and coordinated
17 treatment of substance abusers, including the best
18 practices identified through the activities funded
19 under this section.

20 (2) FINAL REPORT.—Not later than September
21 30, 2009, the Attorney General shall submit to Con-
22 gress a report on the demonstration programs fund-
23 ed under this section, including on the matters spec-
24 ified in paragraph (1).

25 (e) DEFINITIONS.—In this section:

1 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
2 ble partnership” means a partnership that in-
3 cludes—

4 (A) the applicable Single State Authority
5 for Substance Abuse;

6 (B) the State, local, territorial, or tribal
7 criminal or juvenile justice authority involved;

8 (C) a researcher who has experience in evi-
9 dence-based studies that measure the effective-
10 ness of treating long-term substance abusers
11 during the period in which such abusers are
12 under the supervision of the criminal or juvenile
13 justice system involved;

14 (D) community-based organizations that
15 provide drug treatment, related recovery serv-
16 ices, job training and placement, educational
17 services, housing assistance, mentoring, or med-
18 ical services; and

19 (E) Federal agencies (such as the Drug
20 Enforcement Agency, the Bureau of Alcohol,
21 Tobacco, Firearms, and Explosives, and the of-
22 fice of a United States attorney).

23 (2) SUBSTANCE ABUSER.—The term “sub-
24 stance abuser” means an individual who—

25 (A) is in a prison, jail, or juvenile facility;

1 (B) has abused illegal drugs or alcohol for
2 a number of years; and

3 (C) is scheduled to be released from pris-
4 on, jail, or a juvenile facility during the 24-
5 month period beginning on the date the rel-
6 evant application is submitted under subsection
7 (c).

8 (3) SINGLE STATE AUTHORITY FOR SUBSTANCE
9 ABUSE.—The term “Single State Authority for Sub-
10 stance Abuse” means an entity designated by the
11 Governor or chief executive officer of a State as the
12 single State administrative authority responsible for
13 the planning, development, implementation, moni-
14 toring, regulation, and evaluation of substance abuse
15 services in that State.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to carry out this section
18 \$5,000,000 for each of fiscal years 2008 and 2009.

19 **SEC. 8. EMERGENCY AUTHORITY FOR UNITED STATES SEN-**
20 **TENCING COMMISSION.**

21 (a) IN GENERAL.—The United States Sentencing
22 Commission, in its discretion, may—

23 (1) promulgate amendments pursuant to the di-
24 rectives in this Act in accordance with the procedure
25 set forth in section 21(a) of the Sentencing Act of

1 1987 (Public Law 100–182), as though the author-
2 ity under that Act had not expired; and

3 (2) pursuant to the emergency authority pro-
4 vided in paragraph (1), make such conforming
5 amendments to the Sentencing Guidelines as the
6 Commission determines necessary to achieve consist-
7 ency with other guideline provisions and applicable
8 law.

9 (b) PROMULGATION.—The Commission shall promul-
10 gate any amendments under subsection (a) promptly so
11 that the amendments take effect on the same date as the
12 amendments made by this Act.

13 **SEC. 9. INCREASED PENALTIES FOR MAJOR DRUG TRAF-**
14 **FICKERS.**

15 (a) INCREASED PENALTIES FOR MANUFACTURE,
16 DISTRIBUTION, DISPENSATION, OR POSSESSION WITH IN-
17 TENT TO MANUFACTURE, DISTRIBUTE, OR DISPENSE.—
18 Section 401(b)(1) of the Controlled Substances Act (21
19 U.S.C. 841(b)) is amended—

20 (1) in subparagraph (A), by striking
21 “\$4,000,000”, “\$10,000,000”, “\$8,000,000”, and
22 “\$20,000,000” and inserting “\$10,000,000”,
23 “\$50,000,000”, “\$20,000,000”, and “\$75,000,000”,
24 respectively; and

1 (2) in subparagraph (B), by striking
2 “\$2,000,000”, “\$5,000,000”, “\$4,000,000”, and
3 “\$10,000,000” and inserting “\$5,000,000”,
4 “\$25,000,000”, “\$8,000,000”, and “\$50,000,000”,
5 respectively.

6 (b) INCREASED PENALTIES FOR IMPORTATION AND
7 EXPORTATION.—Section 1010(b) of the Controlled Sub-
8 stances Import and Export Act (21 U.S.C. 960(b)) is
9 amended—

10 (1) in paragraph (1), by striking “\$4,000,000”,
11 “\$10,000,000”, “\$8,000,000”, and “\$20,000,000”
12 and inserting “\$10,000,000”, “\$50,000,000”,
13 “\$20,000,000”, and “\$75,000,000”, respectively,
14 and

15 (2) in paragraph (2), by striking “\$2,000,000”,
16 “\$5,000,000”, “\$4,000,000”, and “\$10,000,000”
17 and inserting “\$5,000,000”, “\$25,000,000”,
18 “\$8,000,000”, and “\$50,000,000”, respectively.

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS AND RE-**
20 **QUIRED REPORT.**

21 (a) AUTHORIZATION OF APPROPRIATIONS FOR DE-
22 PARTMENT OF JUSTICE.—There is authorized to be ap-
23 propriated to the Department of Justice not more than
24 \$36,000,000 for each of the fiscal years 2008 and 2009
25 for the prosecution of high-level drug offenses, of which—

1 (1) \$15,000,000 is for salaries and expenses of
2 the Drug Enforcement Administration;

3 (2) \$15,000,000 is for salaries and expenses for
4 the Offices of United States Attorneys;

5 (3) \$4,000,000 each year is for salaries and ex-
6 penses for the Criminal Division; and

7 (4) \$2,000,000 is for salaries and expenses for
8 the Office of the Attorney General for the manage-
9 ment of such prosecutions.

10 (b) AUTHORIZATION OF APPROPRIATIONS FOR DE-
11 PARTMENT OF TREASURY.—There is authorized to be ap-
12 propriated to the Department of the Treasury for salaries
13 and expenses of the Financial Crime Enforcement Net-
14 work (FINCEN) not more than \$10,000,000 for each of
15 fiscal years 2008 and 2009 in support of the prosecution
16 of high-level drug offenses.

17 (c) AUTHORIZATION OF APPROPRIATIONS FOR DE-
18 PARTMENT OF HOMELAND SECURITY.—There is author-
19 ized to be appropriated for the Department of Homeland
20 Security not more than \$10,000,000 for each of fiscal
21 years 2008 and 2009 for salaries and expenses in support
22 of the prosecution of high-level drug offenses.

23 (d) ADDITIONAL FUNDS.—Amounts authorized to be
24 appropriated under this section shall be in addition to

1 amounts otherwise available for, or in support of, the pros-
2 ecution of high-level drug offenses.

3 (e) REPORT OF COMPTROLLER GENERAL.—Not later
4 than 180 days after the end of each of fiscal years 2008
5 and 2009, the Comptroller General shall submit to the
6 Committees on the Judiciary and the Committees on Ap-
7 propriations of the Senate and House of Representatives
8 a report containing information on the actual uses made
9 of the funds appropriated pursuant to the authorization
10 of this section.

11 **SEC. 11. EFFECTIVE DATE.**

12 The amendments made by this Act shall apply to any
13 offense committed on or after 180 days after the date of
14 enactment of this Act. There shall be no retroactive appli-
15 cation of any portion of this Act.

○