

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 dispropor-  
9        tionately 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.

○