

Union Calendar No. 92

117TH CONGRESS
1ST SESSION

H. R. 1693

[Report No. 117–128, Part I]

To eliminate the disparity in sentencing for cocaine offenses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2021

Mr. JEFFRIES (for himself, Mr. SCOTT of Virginia, Mr. ARMSTRONG, and Mr. BACON) 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

SEPTEMBER 27, 2021

Additional sponsors: Ms. MACE, Mr. COHEN, Mr. TAYLOR, Mrs. RODGERS of Washington, Mr. MASSIE, Mr. TRONE, Mr. MELJER, Mr. LIEU, Mrs. SPARTZ, Mr. RESCHENTHALER, Mr. COLE, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. JOYCE of Ohio, Mr. JONES, Mr. MOORE of Alabama, Mrs. BICE of Oklahoma, Mr. NADLER, Ms. JACKSON LEE, Ms. TLAIB, Mr. RASKIN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. JOHNSON of South Dakota, Mrs. DEMINGS, Ms. CLARK of Massachusetts, Mr. BILLIRAKIS, Ms. DEAN, Mr. LUCAS, Mr. SEAN PATRICK MALONEY of New York, Mr. CRENSHAW, Mr. CLEAVER, Mr. GOHMERT, Mr. YARMUTH, Mr. McCLINTOCK, Mr. OWENS, Mr. CICILLINE, Ms. BONAMICI, Ms. STRICKLAND, Mr. MFUME, Mr. NORMAN, Mr. MALINOWSKI, Mr. TIMMONS, Mr. BLUMENAUER, Mrs. HINSON, Mr. KELLER, Mr. COOPER, Ms. NORTON, Mr. ESPAILLAT, Ms. SHERRILL, Ms. SALAZAR, Mr. YOUNG, and Ms. WILLIAMS of Georgia

SEPTEMBER 27, 2021

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 27, 2021

Committee on Energy and Commerce discharged; committed to the Committee
of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 9, 2021]

A BILL

To eliminate the disparity in sentencing for cocaine offenses,
and for other purposes.

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 “Eliminating a Quantifi-*
5 *ably Unjust Application of the Law Act of 2021” or the*
6 *“EQUAL Act of 2021”.*

7 **SEC. 2. ELIMINATION OF INCREASED PENALTIES FOR CO-**
8 **CAINE OFFENSES WHERE THE COCAINE IN-**
9 **VOLVED IS COCAINE BASE.**

10 *(a) CONTROLLED SUBSTANCES ACT.—The following*
11 *provisions of the Controlled Substances Act (21 U.S.C. 801*
12 *et seq.) are repealed:*

13 *(1) Clause (iii) of section 401(b)(1)(A) (21*
14 *U.S.C. 841(b)(1)(A)).*

15 *(2) Clause (iii) of section 401(b)(1)(B) (21*
16 *U.S.C. 841(b)(1)(B)).*

17 *(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT*
18 *ACT.—The following provisions of the Controlled Sub-*
19 *stances Import and Export Act (21 U.S.C. 951 et seq.) are*
20 *repealed:*

21 *(1) Subparagraph (C) of section 1010(b)(1) (21*
22 *U.S.C. 960(b)(1)).*

23 *(2) Subparagraph (C) of section 1010(b)(2) (21*
24 *U.S.C. 960(b)(2)).*

25 *(c) APPLICABILITY TO PENDING AND PAST CASES.—*

1 (1) *PENDING CASES.*—*This section, and the*
2 *amendments made by this section, shall apply to any*
3 *sentence imposed after the date of enactment of this*
4 *Act, regardless of when the offense was committed.*

5 (2) *PAST CASES.*—

6 (A) *IN GENERAL.*—*In the case of a defend-*
7 *ant who, on or before the date of enactment of*
8 *this Act, was sentenced for a Federal offense de-*
9 *scribed in subparagraph (B), the sentencing*
10 *court may, on motion of the defendant, the Bu-*
11 *reau of Prisons, the attorney for the Government,*
12 *or on its own motion, impose a reduced sentence*
13 *after considering the factors set forth in section*
14 *3553(a) of title 18, United States Code.*

15 (B) *FEDERAL OFFENSE DESCRIBED.*—*A*
16 *Federal offense described in this subparagraph is*
17 *an offense that involves cocaine base that is an*
18 *offense under one of the following:*

19 (i) *Section 401 of the Controlled Sub-*
20 *stances Act (21 U.S.C. 841).*

21 (ii) *Section 1010 of the Controlled*
22 *Substances Import and Export Act (21*
23 *U.S.C. 960).*

24 (iii) *Section 404(a) of the Controlled*
25 *Substances Act (21 U.S.C. 844(a)).*

1 (iv) Any other Federal criminal of-
2 fense, the conduct or penalties for which
3 were established by reference to a provision
4 described in clause (i), (ii), or (iii).

5 (C) *DEFENDANT NOT REQUIRED TO BE*
6 *PRESENT.*—Notwithstanding Rule 43 of the Fed-
7 eral Rules of Criminal Procedure, the defendant
8 is not required to be present at any hearing on
9 whether to impose a reduced sentence pursuant
10 to this paragraph.

11 (D) *NO REDUCTION FOR PREVIOUSLY RE-*
12 *DUCE SENTENCES.*—A court may not consider
13 a motion made under this paragraph to reduce
14 a sentence if the sentence was previously imposed
15 or previously reduced in accordance with this
16 Act.

17 (E) *NO REQUIREMENT TO REDUCE SEN-*
18 *TENCE.*—Nothing in this paragraph may be con-
19 strued to require a court to reduce a sentence
20 pursuant to this paragraph.

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