

117TH CONGRESS  
1ST SESSION

# S. 79

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

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IN THE SENATE OF THE UNITED STATES

JANUARY 28, 2021

Mr. BOOKER (for himself and Mr. DURBIN) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## 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 Quan-  
5       tifiably Unjust Application of the Law Act” or the  
6       “EQUAL Act”.

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

4 (a) CONTROLLED SUBSTANCES ACT.—The following  
5 provisions of the Controlled Substances Act (21 U.S.C.  
6 801 et seq.) are repealed:

7 (1) Clause (iii) of section 401(b)(1)(A) (21  
8 U.S.C. 841(b)(1)(A)).

9 (2) Clause (iii) of section 401(b)(1)(B) (21  
10 U.S.C. 841(b)(1)(B)).

11 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT  
12 ACT.—The following provisions of the Controlled Sub-  
13 stances Import and Export Act (21 U.S.C. 951 et seq.)  
14 are repealed:

15 (1) Subparagraph (C) of section 1010(b)(1) (21  
16 U.S.C. 960(b)(1)).

17 (2) Subparagraph (C) of section 1010(b)(2) (21  
18 U.S.C. 960(b)(2)).

19 (c) APPLICABILITY TO PENDING AND PAST CASES.—

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

24 (2) PAST CASES.—In the case of a defendant  
25 who, before the date of enactment of this Act, was  
26 convicted or sentenced for a Federal offense involv-

1        ing cocaine base, the sentencing court may, on mo-  
2        tion of the defendant, the Bureau of Prisons, the at-  
3        torney for the Government, or on its own motion,  
4        impose a reduced sentence after considering the fac-  
5        tors set forth in section 3553(a) of title 18, United  
6        States Code.

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