

117TH CONGRESS
1ST SESSION

H. R. 1693

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2021

Received; read twice and referred to the Committee on the Judiciary

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Eliminating a Quan-
3 tifiably Unjust Application of the Law Act of 2021” or
4 the “EQUAL Act of 2021”.

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

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 are repealed:

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

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

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18 are repealed:

19 (1) Subparagraph (C) of section 1010(b)(1) (21
20 U.S.C. 960(b)(1)).

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

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

24 (1) PENDING CASES.—This section, and the
25 amendments made by this section, shall apply to any

1 sentence imposed after the date of enactment of this
2 Act, regardless of when the offense was committed.

3 (2) PAST CASES.—

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

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

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

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

23 (iii) Section 404(a) of the Controlled
24 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
7 Federal Rules of Criminal Procedure, the de-
8 fendant is not required to be present at any
9 hearing on whether to impose a reduced sen-
10 tence pursuant to this paragraph.

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

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

21 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

22 The budgetary effects of this Act, for the purpose of
23 complying with the Statutory Pay-As-You-Go Act of 2010,
24 shall be determined by reference to the latest statement
25 titled “Budgetary Effects of PAYGO Legislation” for this

1 Act, submitted for printing in the Congressional Record
2 by the Chairman of the House Budget Committee, pro-
3 vided that such statement has been submitted prior to the
4 vote on passage.

Passed the House of Representatives September 28,
2021.

Attest:

CHERYL L. JOHNSON,
Clerk.