

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1693
OFFERED BY MR. NADLER OF NEW YORK**

Strike all that follows after the enacting clause and
insert the following:

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 are repealed: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18 are repealed:

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

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

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

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

10 (2) PAST CASES.—In the case of a defendant
11 who, before the date of enactment of this Act, was
12 convicted or sentenced for a Federal offense involv-
13 ing cocaine base, the sentencing court may, on mo-
14 tion of the defendant, the Bureau of Prisons, the at-
15 torney for the Government, or on its own motion,
16 impose a reduced sentence after considering the fac-
17 tors set forth in section 3553(a) of title 18, United
18 States Code.

