

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 601, the previous question is ordered.

The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GRAVES of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

ELIMINATING A QUANTIFIABLY UNJUST APPLICATION OF THE LAW ACT OF 2021

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1693) to eliminate the disparity in sentencing for cocaine offenses, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Eliminating a Quantifiably Unjust Application of the Law Act of 2021” or the “EQUAL Act of 2021”.

SEC. 2. ELIMINATION OF INCREASED PENALTIES FOR COCAINE OFFENSES WHERE THE COCAINE INVOLVED IS CO- CAINE BASE.

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 are repealed:

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

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

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—The following provisions of the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) are repealed:

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

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

(c) APPLICABILITY TO PENDING AND PAST CASES.—

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

(2) PAST CASES.—

(A) IN GENERAL.—In the case of a defendant who, on or before the date of enactment of

this Act, was sentenced for a Federal offense described in subparagraph (B), the sentencing court may, on motion of the defendant, the Bureau of Prisons, the attorney for the Government, or on its own motion, impose a reduced sentence after considering the factors set forth in section 3553(a) of title 18, United States Code.

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

(i) Section 401 of the Controlled Substances Act (21 U.S.C. 841).

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

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

(iv) Any other Federal criminal offense, the conduct or penalties for which were established by reference to a provision described in clause (i), (ii), or (iii).

(C) DEFENDANT NOT REQUIRED TO BE PRESENT.—Notwithstanding Rule 43 of the Federal Rules of Criminal Procedure, the defendant is not required to be present at any hearing on whether to impose a reduced sentence pursuant to this paragraph.

(D) NO REDUCTION FOR PREVIOUSLY REDUCED SENTENCES.—A court may not consider a motion made under this paragraph to reduce a sentence if the sentence was previously imposed or previously reduced in accordance with this Act.

(E) NO REQUIREMENT TO REDUCE SENTENCE.—Nothing in this paragraph may be construed to require a court to reduce a sentence pursuant to this paragraph.

SEC. 3. DETERMINATION OF BUDGETARY EF- FECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1693.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1693, the Eliminating a Quantifiably Unjust Application of the Law Act of 2021, or the EQUAL Act, would eliminate the unjust sentencing disparity between crack cocaine and powder cocaine offenses.

This long overdue bipartisan legislation would allow defendants who were previously convicted or sentenced for a Federal offense involving crack cocaine to petition for a sentence reduction.

In 1986, Congress passed the Anti-Drug Abuse Act, which created manda-

tory minimum penalties for drug offenses and introduced the 100:1 sentencing disparity between crack cocaine and powder cocaine offenses. This meant that a person who distributed 5 grams of crack cocaine received the same 5-year mandatory minimum sentence as a person who distributed 500 grams of the powder cocaine.

A person who distributed 50 grams of crack cocaine received the same 10-year mandatory minimum sentence as a person who distributed 5,000 grams of powder cocaine. It soon became evident that this sentencing disparity also created a significant racial disparity.

Mr. Speaker, 4 years after Congress passed the Anti-Drug Abuse Act, the average Federal sentence for Black defendants was 49 percent higher than the average sentence for White defendants. In the ensuing decades, the Sentencing Commission and many members of the law enforcement community strongly and repeatedly criticized the 100:1 ratio and urged Congress to address the disparity.

As early as 1995, the Sentencing Commission began urging Congress to rectify this unfairness. Besides the troubling racial disparities in sentencing, the Commission also expressed concern over the significant differences in punishment between street-level dealers of crack cocaine and the powder cocaine suppliers who sold the cocaine in the first instance.

Unfortunately, Congress failed to act on the Commission's proposed amendment to the sentencing guidelines to equalize the penalties for crack and powder cocaine.

From 1997 to 2007, the Commission continued to warn Congress about the unjustified ratio, noting that “there is no legislative history that explains Congress’ rationale for selecting the 100:1 drug quantity ratio for powder cocaine and crack offenses.” It provided evidence for its findings that the penalties exaggerated the relative harmfulness of crack cocaine, swept too broadly, most often applied to lower-level offenders, and mostly impacted communities of color.

Congress, however, took no action, prompting the Commission to pass an amendment to the sentencing guidelines in 2007 as a partial and modest remedy to the “urgent and compelling” problems associated with the ratio. In doing so, the Commission “unanimously and strongly urged” Congress to take actions on its recommendations and to provide a comprehensive solution.

In 2010, Congress finally acted by passing the Fair Sentencing Act, which did not eliminate the disparity, but which significantly reduced the ratio from 100:1 to 18:1. But the Fair Sentencing Act applied only to pending and future cases, leaving thousands of incarcerated people without a path to petition for relief. The First Step Act of 2018 made the Fair Sentencing Act retroactive, providing a pathway to relief for some, but not all, individuals affected by the sentencing disparity.

It is now past time to finish the job. The crack cocaine and powder cocaine disparity has greatly contributed to the rise of mass incarceration, devastated communities of color, and severely undermined public confidence in our criminal justice system.

The EQUAL Act would finally equalize the treatment of powder cocaine and crack cocaine—two forms of the same drug—by eliminating the sentencing disparity. It would also provide a path to retroactive relief from a disparity that is not rooted in science, does not promote public safety, and fosters racial disparities.

I commend Representative HAKEEM JEFFRIES, BOBBY SCOTT, KELLY ARMSTRONG, and DON BACON for introducing this important bipartisan legislation, and I urge all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the 1980s, as Representative NADLER said, Congress enacted harsh penalties for Federal drug offenses, including mandatory minimum sentences. In the 1986 act, the Anti-Drug Abuse Act, it did create 100:1 sentencing disparity between crack and powder cocaine, meaning an individual convicted of selling 5 grams of crack cocaine would receive the same sentence as someone convicted of selling 500 grams of powder cocaine.

Earlier, years before, Representative Dan Lungren—he had been here in the eighties—in 1986, when this was passed, said that Republicans were told in 1986—with a Democratic majority—by Representative Charley Rangel, that if they did not support the huge disparity, then they did not care about Black neighborhoods and the scourge that crack cocaine was creating and how it was ruining Black neighborhoods. So it easily passed because in 1986, no one wanted to be called a racist. This law contributed to the growth of the U.S. Federal prison population from the 1990s through 2000s.

In 2010, Congress passed the Fair Sentencing Act, which reduced the sentencing disparity between crack and powder cocaine from 100:1 to 18:1. And as I recall, at the time, I thought it would be good to go 1:1; that is what we did in Texas when I was a judge. But if I recall correctly, there were some Republicans that said we can't go all the way to 1:1, but we will agree to 18:1. If that is not right, the chair can correct me, but that is what I recall. Because I didn't see why we didn't go ahead and go 1:1 back then and just fix it.

But that was what happened. It went from 100:1 to 18:1 disparity. But in 2018, Congress passed—President Trump signed—the First Step Act, which made the Fair Sentencing Act retroactive. This law allowed those sentenced for Federal drug offenses relating to cocaine prior to the passage of Fair Sentencing Act to move for a resentencing under the new law.

The EQUAL Act before us today truly lives up to the name of equalizing

sentences for similar crimes and would eliminate the Federal sentencing disparity between crack and powder cocaine and allow those convicted under the prior law to move for resentencing under this new standard.

At the State level, more than 40 States do not treat crack and powder cocaine differently in their sentencing structures. Passage of the EQUAL Act now would align Federal sentencing laws with the vast majority of States.

And I would like to also say in a prior hearing Mr. JEFFRIES indicated that he intended to go forward and would try to push a bill, as the chair also had hoped, that would finally eliminate the sentencing disparity and go 1:1.

In that hearing, I made the comment that if Mr. JEFFRIES would draft a bill that did just that, then I would support that. And I am very pleased that Mr. JEFFRIES, who is a man of his word, he did exactly what he said. He prepared a bill that fixed this problem.

I am pleased to agree and to be part of what Mr. JEFFRIES prepared and what the chairman has seen through our committee, and glad we are finally going to deal with this problem and do right by the people that are sentenced under it.

Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. NADLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. JEFFRIES), the sponsor of this bill.

Mr. JEFFRIES. Mr. Speaker, I thank the distinguished chair of the House Judiciary Committee, JERRY NADLER, for yielding, and for his extraordinary leadership in moving this important piece of legislation forward.

Mr. Speaker, I also thank KELLY ARMSTRONG, who is the lead Republican who has sponsored this legislation, for his advocacy and his efforts to advance this critical piece of legislation. And I thank my good friend, the distinguished gentleman from Texas (Mr. GOHMERT), who indicated that we had had a previous conversation with then-Congressman Cedric Richmond at a Judiciary Committee hearing about his willingness to be supportive of moving forward with a bill to deal with the sentencing disparity that relates to crack cocaine and powder cocaine.

Mr. Speaker, I rise in support of H.R. 1693, the EQUAL Act, legislation that will finally eliminate the Federal crack and powder cocaine sentencing disparity, which has devastated lives and families and communities throughout the country.

As has been indicated, in 1986, shortly after the tragic death of basketball star, Len Bias, the Anti-Drug Abuse Act established a 100:1 disparity in sentencing for crack cocaine and powder cocaine. As a result, 500 grams of powder and 5 grams of crack triggered the same 5-year mandatory prison sentence.

Yet, there is no policy justification for punishing crack cocaine offenses more harshly than the same offense involving powder cocaine. And there is no pharmacological difference between how the body processes crack cocaine and how it processes powder cocaine, notwithstanding the thinking at the time.

Where there is a difference is the law's impact on communities of color. The burden has disproportionately fallen on African-American communities. 77.1 percent of the crack cocaine offenders convicted were Black, while most powder cocaine traffickers are non-Black.

There was an overall impact as well. Our system of mass incarceration costs us at least \$180 billion per year, money that could otherwise be invested in the well-being of everyday Americans in inner-city America, rural America, suburban America, small-town America, Appalachia as well.

Policy and this failed war on drugs has not resulted in improved public safety, which is why the EQUAL Act is supported by law enforcement groups like the Major Cities Chiefs Association, the Association of Prosecuting Attorneys, and perhaps most importantly, the National District Attorneys Association.

Recognizing the sentencing disparity as a failure, Congress has acted several times to incrementally address this disparity. In 2010, with passage of the Fair Sentencing Act, the disparity was reduced from 100:1 to 18:1, in legislation signed into law by then-President Barack Obama. In 2018, with the First Step Act, legislation signed into law by then-President Donald Trump, that 18:1 sentencing disparity was made retroactive. And now Congress has an opportunity to finish the job.

Today, the House of Representatives is poised in a bipartisan way to get that done.

Fifty years ago, the failed war on drugs was first launched when the President at the time declared drug abuse public enemy number one. At the time there were less than 300,000 people incarcerated in America. Today, 2.3 million—disproportionately Black and Latino, many of them nonviolent drug offenders—who instead of receiving incarceration should have received drug treatment.

It was a failed policy then. And we can't repeat that policy today, as so many folks are dealing with the scourge of opioid addiction. That is why I am so thankful that we are coming together to pass the EQUAL Act to end the disparity and to address the error of mass incarceration.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate my friend Mr. JEFFRIES mentioning Cedric Richmond and also KELLY ARMSTRONG who were such an important part of bringing this bill to this place.

Of course, Congressman Cedric Richmond has passed on to his just reward.

Of course, that means going to the White House to work. Mr. ARMSTRONG is still here laboring in the field. He was unable to be here and asked that I read this statement from him into the RECORD.

He said: "I wish I could be here today, but I am grateful to Representative GOHMERT for sharing my remarks with the Chamber.

"I am proud to support passage of the EQUAL Act, which will finally provide sentencing parity for Federal crack and powder cocaine offenses.

"This bill will also provide relief to those who have been sentenced under the previous unequal guidelines. In 1986, the Anti-Drug Abuse Act created a 100:1 sentencing disparity for crack cocaine and powder cocaine offenses. For instance, the law created a 5-year prison sentence for distribution of 5 grams of crack cocaine. At the same time, an individual would need to possess 100 times that amount of powder cocaine to receive the same sentence.

"The Fair Sentencing Act of 2010 reduced the disparity from 100:1 to 18:1. The First Step Act of 2018 was supposed to make the 18:1 change retroactive. The EQUAL Act not only provides sentencing parity for crack and powder cocaine offenses, it also solves the retroactivity and implementation issues.

"This is not being soft on crime. It is being smart on crime. Many Americans struggling with addiction are no stranger to the Federal prison system. We know that addressing substance use disorder and mental health challenges are the most effective way to help these individuals as well as improve our communities.

"The answer isn't to lock people up for crimes of addiction. We tried that method for decades, it does not work. In an increasingly partisan time, the EQUAL Act is an example of how commonsense legislation can receive bipartisan support from across the political spectrum. You don't have to look further than the prime sponsors of this bill.

"I am a conservative Republican from North Dakota. Congressman JEFFRIES is a Democrat from New York City. We disagree on a lot of issues, but we have come together to support this bill because it is the right thing to do. It is also why this bill has broad support from across the ideological spectrum.

"The House Judiciary Committee reported the EQUAL Act favorably by a vote of 36-5. The bill also is supported by dozens of group ranging from the ACLU to Americans for Prosperity.

"Thank you to everyone who has worked so hard to bring us to this point. I urge everyone to support the EQUAL Act."

That ends the statement by Mr. KELLY ARMSTRONG.

Let me just say in conclusion—and I appreciated the comments of Mr. JEFFRIES regarding treatment—what I saw during my decade on the bench was, whether it was crack cocaine or

powder cocaine, it was incredibly addictive. And every now and then somebody might be able to deal with their addiction in a 30-day program, but normally it took a lot longer than 30 days.

Something I thought Texas did right was have an up to 12 months substance abuse felony punishment facility. Some thought it was strange that a strong conservative, like myself, used that as much as I did. I saw that this is so additive and it needs a length of time to help people change their lives for such a time that they have got a better chance of making it out, understanding just how addictive those substances are, all coming from cocaine.

I know the second checks act dealt with some of those issues, but it might be something else we can do in the future, where if you are convicted of an offense where you are an addict, then a long-term substance abuse facility where you are only with people with your same problem. And it is a lockdown facility, you don't have a choice of going anywhere.

And as I have sat and watched some of the encounters in the meetings, like AA, that you have there in those facilities, boy, they have a BS-detector. They don't let people get away with anything. They have been there. They know, and it had a better success rate than any other program that I had seen.

So this is a great start toward getting the right thing done, and I appreciate Mr. JEFFRIES, and in the past, Mr. Richmond—I know it was his desire—and Chairman NADLER, for making this happen.

Mr. Speaker, I reserve the balance of my time

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I rise in strong support of the EQUAL Act which eliminates the discriminatory sentencing disparity between crack and powder cocaine.

I want to thank Chairman NADLER for his leadership in bringing this bill before our committee and its quick passage. And, of course, I thank Chairman JEFFRIES and Mr. ARMSTRONG and Chairman SCOTT for their leadership on this issue.

As you know, Mr. Speaker, 35 years ago, Congress passed the Anti-Drug Abuse Act, which created this drastic sentencing disparity between two types of cocaine; the same substance, just in a different form. And as has been explained, under the disparity you needed 100 times the amount of powder cocaine than crack cocaine to get the same sentence.

There was no scientific basis for this, no empirical evidence that there was any difference. The harm that this caused was devastating to so many. For more than three decades defendants have suffered under this disparity with highly disproportionate impacts on communities of color. That has led

to mass incarceration and, as I said, the destruction of so many lives unnecessarily.

In 2010, Congress changed the sentencing disparity from a 100:1 to 18:1. And while that was some progress, in 2018, we improved on that even more under the extraordinary leadership of Mr. JEFFRIES by making it retroactive. But while it was a step in the right direction, making the disparity smaller did not make the sentencing fair. And today we finally do that.

I served as a public defender and a criminal defense lawyer for many years, and I have seen, unfortunately, how often our criminal justice systems fails to deliver justice. And this disparity is just one of those examples. This vital legislation will at last fully resolve the discriminatory sentencing disparities between crack and powder cocaine and correct this injustice for so many.

Our prisons are overcrowded and lives are unfairly harmed every day, especially in communities of color, because of unjust and discriminatory sentencing laws resulting in mass incarceration and other harms.

The EQUAL Act is one important step of so many that we have to take to end this cycle. I want to end again by thanking Mr. JEFFRIES for his extraordinary leadership on this bill. I thank Mr. NADLER for bringing this bill to the floor, and I am delighted it is bipartisan.

And if Mr. GOHMERT is right, that Texas did this some years ago, 1:1, I will say words that I never expected to say on the House floor in my life: We need to follow the lead of Texas.

□ 1315

Mr. GOHMERT. I continue to reserve the balance of my time, Mr. Speaker.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee for yielding and with the distinguished gentleman from Rhode Island, Judge GOHMERT knows, and we know that Texas knows how to lead. So I thank them so very much for bringing that to our attention.

Let me take just a moment to turn and say thank you to Chairman JEFFRIES for leading us on and providing the energy and the engine for doing something that is and will continue to be lifesaving.

It is my life's work to use the criminal justice system as a reform mechanism to save lives and to ensure that it is not a system that unequally prides itself on supporting the rights sometimes of the offender without acknowledging the rights of the victim.

In many instances in addiction, Mr. Speaker, you will find persons who go awry of the criminal justice system as victims because they then are not given the treatment that they should get, or they are not given the recognition of the question of how you can

fairly address these laws. They are, in fact, becoming victims. They are victims of the system. They become incarcerated. They lose their right to vote. Their families are separated from them. They are stigmatized. They may lose their life's dream of being a teacher or a police officer or a lawyer.

We don't know what lives we lost in the so-called war on drugs and how many fell by the wayside. So I am proud to support H.R. 1693, the EQUAL Act of 2021, which will finally eliminate the sentencing disparity between crack cocaine and powder cocaine offenses and provide retroactive relief to thousands of people who received harsh and unfair sentences based on this disparity.

The crack and powder cocaine sentencing disparity is another byproduct of our country's failed war on drugs. I have long championed for the equalization of crack cocaine and powder cocaine offenses. The evidence of the statement of support and comments of our co-manager, Mr. GOHMERT from Texas, and as well the letter from Mr. ARMSTRONG showed the bipartisan recognition of where we are today.

I want to thank the members of the Crime, Terrorism and Homeland Security Subcommittee who collectively have had a vision along with all the members of the Judiciary Committee.

What are we doing there?

Yes, we are there to uphold laws to promote the legal process under the system called criminal justice, but we are surely there to ensure that criminal justice works.

The SPEAKER pro tempore (Mr. CARTER of Louisiana). The time of the gentlewoman has expired.

Mr. NADLER. Mr. Speaker, I yield the gentlewoman from Texas an additional 1 minute.

Ms. JACKSON LEE. Beginning in 2007 I introduced legislation that would have ended the disparity, because we had learned that most of the assumptions on which the 100-to-1 ratio was based turned out to be unfounded. Those unfounded assumptions damaged communities of color for generations. A higher percentage of Black Americans are convicted of crack cocaine versus powder cocaine offenses and receive significantly longer sentences for comparable offenses, and the percentage of individuals serving unreasonably long sentences is because that disparity exists.

Let me also indicate, I was happy to introduce an amendment to allow the courts to grant sentence reductions absent the defendant's presence as required today. This will eliminate the court's logjam, and some of these individuals are, in fact, incarcerated still. Individuals like William Underwood, Matthew Charles, and Cynthia Shank all testified before the House and Senate Judiciary Committees about the devastating impact that sentencing disparity and mandatory minimum laws have had on them, their families, and countless others.

I can assure you, Mr. Speaker, this legislation is long overdue. I am excited that the introduction of my legislation now today will become reality, and I am excited to be a partner and working with Chairman JEFFRIES on this important legislation.

Finally, to conclude, I want just to say that race has been a factor, and we are glad that we are moving beyond that. We must pass the EQUAL Act.

Mr. GOHMERT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Michigan (Ms. TLAIB).

Ms. TLAIB. Mr. Speaker, as someone who grew up in a community on the front line of the racist so-called war on drugs, I am proud to stand here today in support of the EQUAL Act to eliminate racial disparities in crack and powder cocaine possession.

The war on drugs was designed as a racist project to target Black and Brown Americans—my neighbors—and the obvious racial disparities in enforcement show us that it still is at its core a racist effort targeting communities of color through over-policing, criminalization, and mass incarceration.

Simply put, addiction is a health condition not a crime. Giving incarcerated people an opportunity to be resentenced will transform lives immediately. We need to be doing more to make reparations to those impacted by the so-called war on drugs. While this bill is a great step on the road to comprehensive drug and criminal justice reform, we must go further. Our goal must be to end this country's militarized "jail first, ask questions later" approach to addiction and stop trying to solve social problems with policing.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NADLER. Mr. Speaker, I yield the gentlewoman from Michigan an additional 1 minute.

Ms. TLAIB. Mr. Speaker, I look forward to supporting the future legislation aimed at comprehensive decriminalization of possession for personal use of these substances and strongly encourage my colleagues to support this commonsense bill.

Lastly, it is a personal honor to support and uplift Kandia Milton who approached me about this bill and who is with Dreams Corps JUSTICE in Detroit.

Mr. Speaker, I am grateful for Kandia's work. It allows me to also fight for all of us today.

Mr. GOHMERT. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I have no further speakers, and I am prepared to close.

Mr. GOHMERT. Mr. Speaker, I appreciate the chairman's efforts in regard to this bill.

Mr. Speaker, at this time, I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, the EQUAL Act of 2021 represents an important step in our efforts to reform the criminal justice system. I thank Representatives JEFFRIES, SCOTT, ARMSTRONG, and BACON for their leadership in introducing this important legislation and for assembling a broad and bipartisan coalition of stakeholders in support of the bill, including the Department of Justice and advocacy groups that span the entire ideological spectrum.

Mr. Speaker, I strongly urge my colleagues to join me in supporting this bipartisan bill today, and I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I rise today in support of H.R. 1693, the EQUAL Act, which would eliminate the sentencing disparity between crack and powder cocaine. I would like to thank my colleagues Representatives JEFFRIES, BACON, and ARMSTRONG for their work to bring this bill to the floor today.

In 1986, the Anti-Drug Abuse Act created a 100-to-1 sentencing disparity between the amount of crack cocaine that triggered an automatic 5-year mandatory minimum sentence and the amount of powder cocaine that would trigger the same punishment. This sentencing disparity had a racially disparate impact on Black communities, did nothing to change personal behaviors, and has been a tremendous waste of taxpayer money and resources. There are no pharmacological differences between these two substances. Yet more than 80 percent of people convicted in federal court for crack offenses are Black, while only 27 percent of those convicted of powder cocaine offenses are Black.

The crack cocaine sentencing disparity has forced judges to impose higher penalties for very small amounts of crack cocaine. This also had the bizarre effect of punishing those individuals lower in the drug distribution chain much more severely than the actual drug kingpins for two reasons: the kingpins generally distribute powder from which the crack is produced, and lower level defendants often lack information on the drug operation that they can turn over to prosecutors in order to obtain sentencing credit for cooperation.

Mandatory minimums, whether they are equal or not, must be eliminated. The "tough on crime" policies based on slogans and sound bites have failed, and mandatory minimums have been studied extensively—they fail to reduce crime, they waste taxpayers' money and often require judges to impose sentences that violate common sense. Instead of arguing about whether someone should receive a five-year mandatory minimum, we should be investing in early education, workforce training, and our communities.

The EQUAL Act is the next step on the long road toward eliminating this unfair sentencing disparity. In 2009, I led the effort in the House to eliminate this disparity in the Fairness in Cocaine Sentencing Act. That effort eventually led to the 2010 passage of the Fair Sentencing Act, which reduced the crack/powder cocaine disparity from 100:1 to 18:1. That was a hard-fought compromise, and the EQUAL Act will finally end this disparity. This is an important step toward fixing our criminal justice system and making it fairer. I urge my colleagues to support this bill and hope the Senate moves quickly to send this bill to the President's desk.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, H.R. 1693, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

MODIFICATION OF CERTAIN DEADLINES FOR COMMISSION ON COMBATING SYNTHETIC OPIOID TRAFFICKING

Ms. WILD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4981) to amend the Fentanyl Sanctions Act, to modify certain deadlines relating to the Commission on Combating Synthetic Opioid Trafficking.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION OF CERTAIN DEADLINES FOR COMMISSION ON COMBATING SYNTHETIC OPIOID TRAFFICKING.

Section 7221(f)(2) of the Fentanyl Sanctions Act (133 Stat. 2273) is amended by striking “270 days” and inserting “390 days”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Ms. WILD) and the gentlewoman from California (Mrs. KIM) each will control 20 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

GENERAL LEAVE

Ms. WILD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4981.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

Ms. WILD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4981, a bill to modify certain deadlines relating to the Commission on Combating Synthetic Opioid Trafficking.

I want to thank my colleague and friend, Mr. TRONE from Maryland, for authoring this bipartisan bill. Mr. TRONE has been an invaluable voice in Congress for combating our country's opioid crisis. Far too many families in my community, Pennsylvania's greater Lehigh Valley, have endured indescribable heartbreak and loss as a result of this crisis.

When I first started serving in Congress back in 2018, I made a solemn commitment that I would do everything within my power to end the devastation of the opioid crisis once and for all. I am dedicated to keeping that promise.

Earlier this year, I was proud to see Mr. TRONE elected as Democratic co-chairman of the Commission on Combating Synthetic Opioid Trafficking. Mr. TRONE, working alongside his co-chair, Senator TOM COTTON, in a bipartisan manner is developing a strategic approach to combat the flow of synthetic opioids into the United States.

Last year, the Centers for Disease Control released data indicating that the surge in overdose deaths from 2018 to 2019 was the greatest year-over-year increase. Tragically, far too many Americans have witnessed the horrific effects of this opioid crisis.

Just as we must also take on the greed of the pharmaceutical industry—which has done a great deal to lead us to this point domestically when it comes to the opioid crisis writ large—most of the fentanyl consumed in the United States is manufactured outside of the country, so it is crucial that we engage closely with our international partners to address this scourge. The Commission on Combating Synthetic Opioid Trafficking aims to do just that.

Synthetic drugs, unlike plant-based drugs such as cocaine or heroin, are not limited by climate-growing restrictions. Any country can produce synthetic drugs, and according to a January 2020 Drug Enforcement Administration report, this may lead to a rapidly diversifying list of synthetic drug-producing countries and suppliers.

With such an imposing task ahead of us, strong, bipartisan cooperation is critical. We must work together to do what is right and find a solution that can help save countless American lives.

This bill will amend the Fentanyl Sanctions Act to extend the amount of time granted to the Commission on Combating Synthetic Opioid Trafficking. The commission was originally slated to start in 2020 but could not get underway until March of this year. It is incumbent upon us to do everything we can to get this right.

I thank Mr. TRONE again for being a strong champion for bipartisan collaboration in the fight against opioid abuse.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

□ 1330

Mrs. KIM of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the bill to amend the Fentanyl Sanctions Act. Across our Nation, Americans are increasingly becoming exposed to the impact of the illicit distribution of fentanyl. Our local news is reporting on another overdose caused by a lethal dose of illicit fentanyl with increased frequency.

This synthetic opioid is making its toxic presence known in our communities.

Fentanyl is similar to morphine but almost 100 times more potent. It is manufactured at a low cost in labs overseas, primarily in China. It is then smuggled into the United States through Mexico.

In cases of overdose, the individual is not aware that it contains a lethal dose until it is too late.

This body recognizes that the People's Republic of China is failing to effectively regulate and implement illicit trafficking of fentanyl.

In December 2019, we called for the establishment of the Commission on Combating Synthetic Opioid Trafficking. Specifically, this Commission was designed to work with the executive branch in developing a consensus on a strategic approach to combating the flow of synthetic opioids into the United States.

The underlying bill recognizes the importance of this Commission and the work that is still needed.

Mr. Speaker, I reserve the balance of my time.

Ms. WILD. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. TRONE), the author of this bill and a champion in combating the opioid crisis.

Mr. TRONE. Mr. Speaker, I thank Chairwoman WILD very much for her kind words.

I rise today to urge my colleagues to pass my bill to extend the work of the National Commission on Combating Synthetic Opioid Trafficking so, together, we can complete the Commission's important work in a timely manner.

As many of you know, my mission in Congress is to end the opioid epidemic in this country. This bipartisan Commission will help us do just that.

Thanks to the leadership of Senate Majority Leader CHUCK SCHUMER and our former congressional colleague, Max Rose, this bipartisan Commission was established by the National Defense Authorization Act of 2020. I was honored that Speaker NANCY PELOSI appointed me to the Commission, and that my colleagues on the Commission voted to elect me co-chair, along with Senator TOM COTTON.

The goal of the Commission is to develop a strategic approach to combating the flow of synthetic opioids into the United States, but my goal for the Commission is much more simple. It is simply to save lives—save lives, period.

Last year, we saw more than 93,000 people die of a drug overdose in this country. We set a new record, a record we never wanted to set. In Maryland alone, we lost nearly 2,500 to opioids.

After we made progress in the fight against overdoses in 2019, the numbers are continuing to rise due to the pandemic. As overdoses continue to rise in communities across the country, we have our work cut out for us in this