

Congress of the United States
Washington, DC 20515

April 5, 2022

The Honorable Charles E. Schumer
Senate Majority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard J. Durbin
Chairman, United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Leader Schumer and Chairman Durbin,

As members of the Congressional Black Caucus, we write to thank you for your leadership and support of the *Eliminating a Quantifiably Unjust Application of the Law (EQUAL) Act* and to respectfully request a floor vote as soon as possible.

As you know, in 1986, Congress passed the *Anti-Drug Abuse Act*, which established a 100:1 sentencing disparity for crack and powder cocaine. Over the years, this policy has been widely criticized for lacking scientific and penological justification. Accordingly, Congress has taken steps to address this problem through the passage of the bipartisan *Fair Sentencing Act of 2010*, which reduced the disparity from 100:1 to 18:1, and the bipartisan *First Step Act of 2018*, which made those changes retroactive. Both efforts made our drug sentencing laws fairer, but the work is not done as long as a significant and harmful disparity remains.

The impacts of these policies on communities of color across the country have been devastating. According to the U.S. Sentencing Commission, in Fiscal Year 2020, 77.1% of crack cocaine trafficking offenders were Black, whereas most powder cocaine trafficking offenders were either white or Hispanic. Put simply, this law is unjust, unconscionable and unacceptable. It is time to eliminate this disparity once and for all.

That is why we write in support of bringing the *EQUAL Act* (H.R. 1693/S. 79) to the Senate Floor for consideration as soon as possible. It would eliminate the crack and powder cocaine sentencing disparity and ensure that those who were convicted or sentenced for a federal offense involving cocaine can receive a re-sentencing under the new law. According to a recent analysis from the U.S. Sentencing Commission, approximately 827 individuals would benefit from the prospective section of the bill each year, and 7,787 offenders in BOP custody would be eligible to seek a modification of their sentence based on the retroactive section.¹ In total, the *EQUAL Act* will reduce excessive prison time by 67,800 years, and 91 percent of the individuals who will get this critical relief are Black.

¹ *Prison and Sentencing Impact Assessment for the EQUAL Act*, United States Sentencing Commission, https://www.ussc.gov/sites/default/files/pdf/research-and-publications/prison-and-sentencing-impact-assessments/January_2022_Impact_Analysis_for_CBO.pdf.

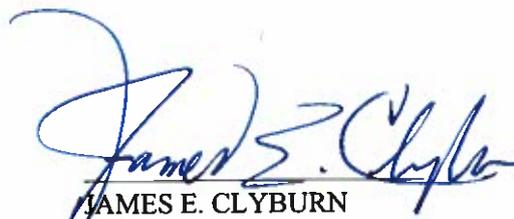
In addition to bringing more fairness to our justice system, the bill would also address the significant economic cost of incarceration. A recent report from the Prison Policy Initiative found that our system of mass incarceration costs the government and families of justice-involved people at least \$182 billion every year, including \$80.7 billion for Public Corrections Agencies. According to the Bureau of Prisons, the average cost of incarcerating a Federal inmate in a Federal facility in Fiscal Year 2020 was \$39,158 per year. These are resources that could be used to feed the hungry, improve public education or support other great causes that strengthen our communities, rather than tear them apart.

The *EQUAL Act* is ready for Senate consideration. Fueled by strong support from civil rights advocates, law enforcement, the faith community, medical experts and groups from across the ideological spectrum, the bill passed the House of Representatives by a historic and strongly bipartisan vote of 361 to 66 last September. Today, the legislation has 21 cosponsors in the Senate, including 11 Republicans, indicating that it would likely clear the Senate's 60-vote threshold.

This critical legislation represents the final step in a decades-long effort to correct one of the most unfair and unjust policies enacted during the failed War on Drugs, and it is a top priority for the communities we represent. It will change lives and bring families back together. Therefore, we urge you to bring the *EQUAL Act* to the Senate floor for a vote without delay.

Sincerely,


HAKEEM JEFFRIES
Member of Congress


JAMES E. CLYBURN
Member of Congress


JOYCE BEATTY
Member of Congress


ROBERT C. "BOBBY" SCOTT
Member of Congress


BOBBY L. RUSH
Member of Congress

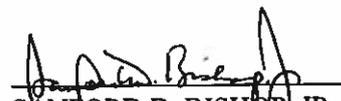

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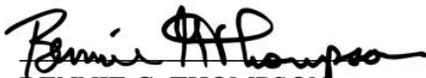

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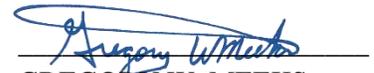

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Member of Congress

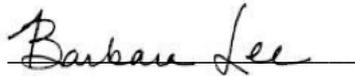

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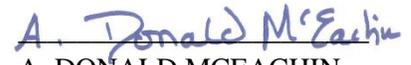

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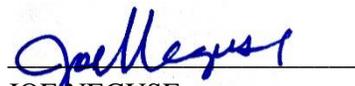

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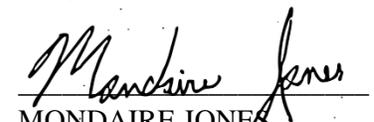

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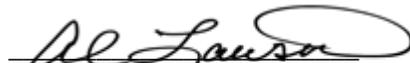

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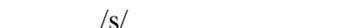

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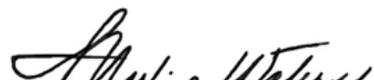

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