

117TH CONGRESS  
2D SESSION

# H. R. 7446

To amend the Uniform Code of Military Justice to modify the treatment of certain controlled substance violations, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 2022

Mr. BROWN of Maryland introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend the Uniform Code of Military Justice to modify the treatment of certain controlled substance violations, 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 “Restoring Equity For  
5       Offenses Related to Marijuana Act” or the “REFORM  
6       Act”.

1 **SEC. 2. LIMITATION ON MAXIMUM PUNISHMENT FOR CER-**  
2 **TAIN OFFENSES UNDER THE UNIFORM CODE**  
3 **OF MILITARY JUSTICE.**

4 Section 856(a) of title 10, United States Code (article  
5 56(a) of the Uniform Code of Military Justice), is amend-  
6 ed—

7 (1) by striking “The punishment which” and  
8 inserting the following:

9 “(1) The punishment which”; and

10 (2) by adding at the end the following new  
11 paragraphs:

12 “(2) The President may not prescribe a limit  
13 that exceeds the limits specified in paragraph (3).

14 “(3) The limits referred to in paragraph (2) are  
15 as follows:

16 “(A) The limit for wrongful use of mari-  
17 juana under subsection (a) of section 912a of  
18 this title (article 112a) shall not exceed the  
19 limit for drunk on duty under subsection (a) of  
20 section 912 of this title (article 112).

21 “(B) The limit for wrongful possession of  
22 marijuana under subsection (a) of section 912a  
23 of this title (article 112a) shall not exceed the  
24 limit for incapacitation for duty from drunken-  
25 ness or drug use under subsection (b) of section  
26 912 of this title (article 112).”.

1 **SEC. 3. INCLUSION OF CERTAIN CONTROLLED SUBSTANCE**  
2 **VIOLATIONS IN DEFINITION OF COVERED OF-**  
3 **FENSE.**

4 (a) IN GENERAL.—Section 801(17)(A) of title 10,  
5 United States Code (article 1(17)(A) of the Uniform Code  
6 of Military Justice), as amended by section 533 of the Na-  
7 tional Defense Authorization Act for Fiscal Year 2022  
8 (Public Law 117–81), is amended—

9 (1) by striking “or”; and

10 (2) by striking “of this title” and inserting “,  
11 the offense of manufacture of a controlled substance  
12 punishable under section 912a (article 112a), the of-  
13 fense of distribution of a controlled substance pun-  
14 ishable under section 912a (article 112a), or the of-  
15 fense of introduction of a controlled substance pun-  
16 ishable under section 912a (article 112a) of this  
17 title”.

18 (b) EFFECTIVE DATE.—The amendments made by  
19 subsection (a) shall take effect immediately after the com-  
20 ing into effect of the amendments made by section 533  
21 of the National Defense Authorization Act for Fiscal Year  
22 2022 (Public Law 117–81) as provided in section 539C  
23 of that Act.

24 **SEC. 4. ANNUAL REPORT ON CONTROLLED SUBSTANCE**  
25 **TESTING.**

26 (a) ANNUAL REPORT.—

1           (1) IN GENERAL.—Not later than March 1,  
2           2023, and not later than March 1 of each year  
3           thereafter through March 1, 2027, each Secretary of  
4           a military department shall submit to the congressional  
5           defense committees a report on the drug testing  
6           and evaluation program in the prior fiscal year.

7           (2) ELEMENTS.—Each report under paragraph  
8           (1) shall include, for the previous ten fiscal years  
9           with respect to the Armed Forces covered by such  
10          report, the following:

11                (A) The number of drug tests administered,  
12                disaggregated by statistical category.

13                (B) The number of positive drug tests,  
14                disaggregated by statistical category and substance.  
15                

16                (C) The percentage of positive drug tests  
17                from administered drug tests, disaggregated by  
18                statistical category and substance.

19                (D) The number of each type of punishment  
20                imposed, disaggregated by statistical category  
21                and substance.

22                (E) The percentage of each type of punishment  
23                imposed from the positive drug tests,  
24                disaggregated by statistical category and substance.  
25

1           (F) The data in subparagraphs (A)  
2           through (E) disaggregated for each of the ten  
3           largest military installations in the United  
4           States (based on the number of active duty per-  
5           sonnel assigned to the installation and family  
6           members residing on or in the vicinity of the in-  
7           stallations).

8           (G) An analysis of any disparities among  
9           race, gender, ethnicity, and military installation  
10          during the year covered by the report.

11          (3) PERSONAL INFORMATION EXCLUSION.—The  
12          Secretary of a military department may exclude a  
13          military installation from disaggregation under para-  
14          graph (2) if such disaggregation could be used to  
15          uniquely identify a service member.

16          (4) STATISTICAL CATEGORY.—In this section,  
17          the term “statistical category” means the categories  
18          of race, gender, ethnicity, and rank.

19          (5) AVAILABILITY OF REPORTS AND DATA.—  
20          The Secretary of Defense shall—

21               (A) make the results of each report under  
22               paragraph (1) available on a publicly accessible  
23               website of the Department of Defense; and

24               (B) ensure that any data included with the  
25               report is made available in a machine-readable

- 1 format that is downloadable, searchable, and
- 2 sortable.

