



THE MILITARY JUSTICE REVIEW PANEL
ARTICLE 146, UNIFORM CODE OF MILITARY JUSTICE

CHARTER

1. Official Designation. The “Military Justice Review Panel” (the “Panel”).
2. Authority. Pursuant to § 5521 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017, as amended by § 531(k) of the FY 2018 NDAA, the Secretary of Defense established this panel to conduct independent periodic reviews and assessments of the operation of the Uniform Code of Military Justice (UCMJ). 10 U.S.C. § 946. Art. 146 (effective Jan 1, 2019).
3. Objectives and Scope. Pursuant to UCMJ, Article 146, the Panel shall conduct independent periodic reviews and assessments of the operation of the UCMJ, including the review and assessment of the implementation of amendments made to the UCMJ and sentencing data.
4. Duties. The Panel may request information from Federal agencies, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers appropriate to carry out its duties. The Panel shall submit reports, as required, to the Committees on Armed Services of the Senate and House of Representatives, setting forth the results of any reviews and assessments, including the Panel’s findings and recommendations.
 - a. Periodic comprehensive reviews. Pursuant to UCMJ, Article 146(f)(3), during FY 2024 and every eight years thereafter, the Panel shall conduct a comprehensive review and assessment of the operation of the UCMJ.
 - b. Periodic interim reviews. Pursuant to UCMJ, Article 146(f)(4), during FY 2028 and every eight years thereafter, the Panel shall conduct an interim review and assessment of such other aspects of the operation of the UCMJ. At the request of the Secretary of Defense, the Panel may, at any time, review and assess other specific matters relating to the operation of the UCMJ.
5. Members: Appointment, Qualification, Terms, and Vacancies.
 - a. Appointment. The Panel shall be composed of thirteen members. Each of the following shall appoint one member of the Panel:
 - (1) The Secretary of Defense (in consultation with the Secretary of the Department in which the Coast Guard is operating when it is not operating as a service in the Navy).
 - (2) The Attorney General.
 - (3) The Judge Advocates General of the Army, Navy, Air Force, and Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps.
 - (4) The Secretary of Defense shall appoint the remaining members of the Panel, taking into consideration recommendations made by each of the following:
 - (a) The chairman and ranking minority member of the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.
 - (b) The Chief Justice of the United States.
 - (c) The Chief Judge of the United States Court of Appeals for the Armed Forces.

b. Qualifications. The members of the Panel shall be appointed from among private United States citizens with expertise in criminal law, as well as appropriate and diverse experience in investigation, prosecution, defense, victim representation, or adjudication with respect to courts-martial, Federal civilian courts, or State courts.

c. Chair. The Secretary of Defense shall select the chair of the Panel from among the members.

d. Term; Vacancies; Service Without Pay. Each member shall be appointed for a term of eight years, and no member may serve more than one term. Any vacancy shall be filled in the same manner as the original appointment. Members of the Panel shall serve without pay, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Panel.

6. The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Panel.

7. Staffing and resources.

a. The Secretary of Defense, through the DoD General Counsel (GC), will:

- (1) provide staffing and resources to support the Panel's functions;
- (2) ensure compliance with governing Federal statutes and regulations; and
- (3) ensure compliance with established DoD policies and procedures, except when and where inconsistent with the independence of the Panel.

b. The Panel's staff director will serve as the Panel's primary liaison to the DoD GC.

c. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, including travel, meetings, and contract support, is approximately \$2,000,000. The estimated annual personnel cost to the DoD is 27.0 full-time equivalents.

8. Duration: The Panel will remain in effect until terminated by law.

Adopted by the Panel on January 18, 2023.