

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective on Jan. 1, 2019, as designated by the President, with implementing regulations and provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328 and Ex. Ord. No. 13825, set out as notes under section 801 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (c) of this section requiring submittal of annual report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

FULL FUNCTIONALITY OF MILITARY JUSTICE REVIEW PANEL

Pub. L. 117-81, div. A, title V, §549E, Dec. 27, 2021, 135 Stat. 1726, provided that: "Not later than 30 days after the date of the enactment of this Act [Dec. 27, 2021], the Secretary of Defense shall establish or reconstitute, maintain, and ensure the full functionality of the Military Justice Review Panel established pursuant to section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice)) [sic]."

§ 946a. Art. 146a. Annual reports

(a) COURT OF APPEALS FOR THE ARMED FORCES.—Not later than December 31 each year, the Court of Appeals for the Armed Forces shall submit a report that, with respect to the previous fiscal year, provides information on the number and status of completed and pending cases before the Court, and such other matters as the Court considers appropriate regarding the operation of this chapter.

(b) SERVICE REPORTS.—Not later than December 31 each year, the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall each submit a report, with respect to the preceding fiscal year, containing the following:

- (1) Data on the number and status of pending cases.
- (2) Data on the number and status of completed cases, including—
 - (A) information on race, ethnicity, rank, and sex demographic for the victim and the accused;
 - (B) the enumerated offenses preferred and referred;
 - (C) the types of court-martial; and
 - (D) the results for each case, including cases that resulted in nonjudicial punishment or administrative separation.

(3) Information on the appellate review process, including—

- (A) information on compliance with processing time goals;
- (B) descriptions of the circumstances surrounding cases in which general or special court-martial convictions were (i) reversed because of command influence or denial of the right to speedy review or (ii) otherwise remitted because of loss of records of trial or other administrative deficiencies;
- (C) an analysis of each case in which a provision of this chapter was held unconstitutional; and

(D) an analysis of each case in which a Court of Criminal Appeals made a final determination that a finding of a court-martial was clearly against the weight of the evidence, including an explanation of the standard of appellate review applied in such case.

(4)(A) An explanation of measures implemented by the armed force concerned to ensure the ability of judge advocates—

- (i) to participate competently as trial counsel and defense counsel in cases under this chapter;
- (ii) to preside as military judges in cases under this chapter; and
- (iii) to perform the duties of Special Victims' Counsel, when so designated under section 1044e of this title.

(B) The explanation under subparagraph (A) shall specifically identify the measures that focus on capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

(5) The independent views of each Judge Advocate General and of the Staff Judge Advocate to the Commandant of the Marine Corps as to the sufficiency of resources available within the respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.

(6) Such other matters regarding the operation of this chapter as may be appropriate.

(c) SUBMISSION.—Each report under this section shall be submitted—

- (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and
- (2) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of the department in which the Coast Guard is operating when it is not operating as a service in the Navy.

(Added Pub. L. 114-328, div. E, title LXII, §5522, Dec. 23, 2016, 130 Stat. 2964; amended Pub. L. 116-283, div. A, title V, §542(d), Jan. 1, 2021, 134 Stat. 3612; Pub. L. 118-159, div. A, title V, §566(a), Dec. 23, 2024, 138 Stat. 1904.)

Editorial Notes

AMENDMENTS

- 2024—Subsec. (b)(2) to (6). Pub. L. 118-159 added par. (2) and redesignated former pars. (2) to (5) as (3) to (6), respectively.
- 2021—Subsec. (b)(2)(D). Pub. L. 116-283 added subpar. (D).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on Jan. 1, 2019, as designated by the President, with implementing regulations and provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328 and Ex. Ord. 13825, set out as notes under section 801 of this title.

CHAPTER 47A—MILITARY COMMISSIONS

Subchapter	Sec.
I. General Provisions	948a.