

ANNEX 2

Section 1. Part I of the Manual for Courts-Martial, United States, is amended as follows:**(a) Paragraph 3 is amended to read as follows:****“3. Nature and purpose of military law**

Military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and Executive Orders and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purposes of military law are to promote justice, to deter misconduct, to facilitate appropriate accountability, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and thereby to strengthen the national security of the United States.”

(b) Paragraph 4 is redesignated as Paragraph 5 and is amended to read as follows:**“5. Structure and application of the Manual for Courts-Martial**

The Manual for Courts-Martial shall consist of this Preamble, the Rules for Courts-Martial, the Military Rules of Evidence, the Punitive Articles, the Nonjudicial Punishment Procedures (Parts I-V), and Appendixes 12A through 12D. This Manual shall be applied in a manner consistent with the purpose of military law.

The Department of Defense (DoD), in conjunction with the Department of Homeland Security, publishes supplementary materials to accompany the Manual for Courts-Martial. These materials consist of a Preface, a Table of Contents, Discussions, Appendices (other than Appendixes 12A through 12D, which were promulgated by the President), and an Index. These supplementary materials do not have the force of law.

The Manual shall be identified by the year in which it was printed; for example, “Manual for Courts-Martial, United States (20xx edition).” Any amendments to the Manual made by Executive Order shall be identified as “20xx” Amendments to the Manual for Courts-Martial, United States, “20xx” being the year the Executive Order was signed.

The DoD-Joint Service Committee on Military Justice (JSC) reviews the Manual for Courts-Martial and proposes amendments to the DoD-for consideration by the President on an annual basis. In conducting its annual review, the JSC is guided by DoD Instruction 5500.17, “Role and Responsibilities of the Joint Service Committee on Military Justice (JSC).” DoD Instruction 5500.17 includes provisions allowing public participation in the annual review process.”

(c) A new paragraph 4 is inserted immediately after paragraph 3 to read as follows:

“4. The Evolving Military Justice System

The military operates a modern criminal justice system that recognizes and protects the rights of both the victims of alleged offenses and those accused of offenses. The continuous evolution of the military justice system has progressed through statutes, Executive Orders, regulations, and judicial interpretations. The Uniform Code of Military Justice (UCMJ), enacted in 1950, significantly enhanced the fairness of military justice across the armed forces, including by establishing a civilian appellate court at the system’s apex. The Military Justice Act of 1968, which created the position of military judge and enhanced the role of lawyers in the system, resulted in further improvements. The promulgation of the Military Rules of Evidence by a 1980 Executive Order brought court-martial practice into closer alignment with federal civilian criminal practice. In 2014, Congress added a victims’ rights article to the UCMJ and also made counsel available to represent certain victims of alleged UCMJ offenses. The Military Justice Act