

“(2) *Determining what sentence should be approved.* The convening authority shall, subject to the limitations in subsection (d)(1) above, approve that sentence that is warranted by the circumstances of the offense and appropriate for the accused.”

(qq) R.C.M. 1107(e)(1)(B)(ii) is amended to read as follows:

“(ii) In cases subject to review by the Court of Criminal Appeals, before the case is forwarded under R.C.M. 1111(a)(1) or (b)(1), but only as to any sentence that was approved or findings of guilty as were not disapproved in any earlier action. In cases of rehearing under subparagraph (c)(2) of this Rule, a supplemental action disapproving the sentence and some or all of the findings, as appropriate, shall be taken; or”

(rr) R.C.M. 1107(e)(1)(C)(ii) is deleted.

(ss) R.C.M. 1107(e)(1)(C)(iii) is renumbered as R.C.M. 1107(e)(1)(C)(ii).

(tt) R.C.M. 1107(f)(2) is amended to read as follows:

“(2) *Modification of initial action.* Subject to the limitations in subsections (c) and (d) of this Rule, the convening authority may recall and modify any action taken by that convening authority at any time before it has been published or before the accused has been officially notified. The convening authority may also recall and modify any action at any time prior to forwarding the record for review, as long as the modification does not result in action less favorable to the accused than the earlier action. In addition, in any special court-martial, the convening authority may recall and correct an illegal, erroneous, incomplete, or ambiguous action at any time before completion of review under R.C.M. 1112, as long as the correction does not result in action less favorable to the accused than the earlier action. When so directed by a higher reviewing authority or the Judge Advocate General, the convening authority shall modify any incomplete, ambiguous, void, or inaccurate action noted in review of the record of

trial under Articles 64, 66, 67, or examination of the record of trial under Article 69. The convening authority shall personally sign any supplementary or corrective action. A written explanation is required for any modification of initial action that: 1) sets aside any finding of guilt or dismisses or changes any charge or specification for an offense; or 2) disapproves, commutes, or suspends, in whole or in part, the sentence. The written explanation shall be made a part of the record of trial and action thereon.”

(uu) R.C.M. 1107(g) is amended to read as follows:

“(g) *Incomplete, ambiguous, or erroneous action.* When the action of the convening authority or of a higher authority is incomplete or ambiguous or contains error, the authority who took the incomplete, ambiguous, or erroneous action may be instructed by an authority acting under Articles 64, 66, 67, 67a, or 69 to withdraw the original action and substitute a corrected action.”

(vv) R.C.M. 1108(b) is amended to insert the following before the rule’s text:

“[Note: R.C.M. 1108(b) applies to offenses committed on or after 24 June 2014.]”

(ww) R.C.M. 1108(b) is amended to read as follows:

“(b) *Who may suspend and remit.* The convening authority may, after approving the sentence, suspend the execution of all or any part of the sentence of a court-martial, except for a sentence of death or as prohibited under R.C.M. 1107(d). The general court-martial convening authority over the accused at the time of the court-martial may, when taking action under R.C.M. 1112(f), suspend or remit any part of the sentence. The Secretary concerned and, when designated by the Secretary concerned, any Under Secretary, Assistant Secretary, Judge Advocate General, or commanding officer may suspend or remit any part or amount of the unexecuted part of any sentence other than a sentence approved by the President or a