

**(ddddd) R.C.M. 1210(h)(1) is amended to read as follows:**

“(1) *Forwarding to appropriate authority.* When a petition for a new trial is granted, the Judge Advocate General shall select and forward the case to an appropriate authority for disposition.”

**(eeee) R.C.M. 1301(a) is amended to read as follows:**

“(a) *Composition.* A summary court-martial is composed of one commissioned officer on active duty. Unless otherwise prescribed by the Secretary concerned, a summary court-martial shall be of the same armed force as the accused. Summary courts-martial shall be conducted in accordance with the regulations of the military Service to which the accused belongs. Whenever practicable, a summary court-martial should be an officer whose grade is not below lieutenant of the Navy or Coast Guard or captain of the Army, Marine Corps, Air Force, or Space Force. When only one commissioned officer is present with a command or detachment, that officer shall be the summary court-martial of that command or detachment. When more than one commissioned officer is present with a command or detachment, the convening authority may not be the summary court-martial of that command or detachment.”

**(ffff) R.C.M. 1301(c)(1) is amended to read as follows:**

“(1) Subject to Chapter II and R.C.M. 1301(c)(2), summary courts-martial have the power to try persons subject to the UCMJ, except commissioned officers, warrant officers, cadets, aviation cadets, and midshipmen, for any non-capital offense made punishable by the UCMJ.”

**(gggg) R.C.M. 1302(a)(3) is amended to read as follows:**

“(3) The commander of a detached squadron or other detachment of the Air Force or a corresponding unit of the Space Force.”

**(hhhhh) R.C.M. 1306(b)(3) is amended to read as follows:**

“(3) *Action on sentence.* The convening authority shall take action on the sentence. The convening authority may approve the sentence as adjudged or disapprove, commute, or suspend, in whole or in part, any portion of an adjudged sentence. The convening authority shall approve the sentence that is warranted by the circumstances of the offense and appropriate for the accused.”

**Section 3. Part III of the Manual for Courts-Martial, United States, is amended as follows:****(a) Mil. R. Evid. 505(f)(4) is amended to read as follows:**

“(4) *Convening Authority and Special Trial Counsel Notice and Action.* If a claim of privilege has been made under this rule with respect to classified information that apparently contains evidence that is relevant and necessary to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence in the court-martial proceeding, the matter must be reported to the convening authority and special trial counsel, as applicable.

(A) The convening authority may institute action to obtain the classified information for use by the military judge in making a determination under Mil. R. Evid. 505(j).

(B) The convening authority or special trial counsel, as applicable, may:

(i) dismiss the charges;

(ii) dismiss the charges or specifications or both to which the information relates; or

(iii) take such other action as may be required in the interests of justice.”

**(b) Mil. R. Evid. 506(f)(4) is amended to read as follows:**