

(b) Paragraph 1.h. is amended to read as follows:

“h. Applicable standards. The burden of proof to be utilized by commanders throughout the nonjudicial punishment process shall be a preponderance of the evidence.”

(c) A new paragraph 1.j. is inserted immediately after paragraph 1.i. to read as follows:

“j. *Service regulations and procedures.* Unless otherwise provided, the Service regulations and procedures of the Servicemember shall apply.

(d) Paragraph 4.c.(4) is amended to read as follows:

“(4) Decision. After considering all relevant matters presented by a preponderance of the evidence standard, if the nonjudicial punishment authority—

(A) does not conclude that the Servicemember committed the offenses alleged, the nonjudicial punishment authority shall so inform the member and terminate the proceedings;

(B) concludes that the Servicemember committed one or more of the offenses alleged, the nonjudicial punishment authority shall:

(i) so inform the Servicemember;

(ii) inform the Servicemember of the punishment imposed; and

(iii) inform the Servicemember of the right to appeal (see paragraph 7 of

this Part).”

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.