

The words “or persons” are omitted as surplusage, since under section 1 of title 1 words importing the singular may apply to several persons.

AMENDMENTS

2006—Pub. L. 109-366 designated existing provisions as subsec. (a) and added subsec. (b).

§ 882. Art. 82. Solicitation

(a) Any person subject to this chapter who solicits or advises another or others to desert in violation of section 885 of this title (article 85) or mutiny in violation of section 894 of this title (article 94) shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a court-martial may direct.

(b) Any person subject to this chapter who solicits or advises another or others to commit an act of misbehavior before the enemy in violation of section 899 of this title (article 99) or sedition in violation of section 894 of this title (article 94) shall, if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed, he shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 66; Pub. L. 114-328, div. E, title LX, §5403, Dec. 23, 2016, 130 Stat. 2939.)

AMENDMENT OF SECTION

Pub. L. 114-328, div. E, title LX, §5403, title LXIII, §5542, Dec. 23, 2016, 130 Stat. 2939, 2967, provided that, effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations relating to applicability to various situations, this section is generally amended. See 2016 Amendment note below. For text of this section after amendment on the effective date, see Amendment of Analysis and Subchapter note preceding section 877 of this title.

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 882(a) 50:676(a). May 5, 1950, ch. 169, §1. Row 2: 882(b) 50:676(b). (Art. 82), 64 Stat. 134.

AMENDMENTS

2016—Pub. L. 114-328 amended section generally. Prior to amendment, section related to solicitation of desertion, mutiny, misbehavior before the enemy, or sedition.

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114-328 effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328, set out as a note under section 801 of this title.

§ 883. Art. 83. Fraudulent enlistment, appointment, or separation

Any person who—

(1) procures his own enlistment or appointment in the armed forces by knowingly false representation or deliberate concealment as to his qualifications for that enlistment or appointment and receives pay or allowances thereunder; or

(2) procures his own separation from the armed forces by knowingly false representation or deliberate concealment as to his eligibility for that separation;

shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 66.)

TRANSFER AND ENACTMENT OF SECTION

Pub. L. 114-328, div. E, title LX, §§5401(1), 5404, title LXIII, §5542, Dec. 23, 2016, 130 Stat. 2938, 2940, 2967, provided that, effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, this section is redesignated and transferred to become section 904a of this title (article 104a), and a new section 883 (article 83) is enacted. For text of new section 883 after the effective date, see Amendment of Analysis and Subchapter note preceding section 877 of this title.

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 883 50:677. May 5, 1950, ch. 169, §1 (Art. 83), 64 Stat. 134.

In clauses (1) and (2), the words “means of” are omitted as surplusage.

EFFECTIVE DATE OF 2016 AMENDMENT

Transfer of current section and enactment of new section 883 by Pub. L. 114-328 effective on the date designated by the President, not later than the first day of the first calendar month beginning two years after Dec. 23, 2016, with implementing regulations prescribed by the President not later than one year after Dec. 23, 2016, and with provisions relating to applicability to various situations, see section 5542 of Pub. L. 114-328, set out as a note under section 801 of this title.

§ 884. Art. 84. Unlawful enlistment, appointment, or separation

Any person subject to this chapter who effects an enlistment or appointment in or a separation from the armed forces of any person who is known to him to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court-martial may direct.

(Aug. 10, 1956, ch. 1041, 70A Stat. 66.)

TRANSFER AND ENACTMENT OF SECTION

Pub. L. 114-328, div. E, title LX, §§5401(1), 5405, title LXIII, §5542, Dec. 23, 2016, 130 Stat. 2938, 2940, 2967, provided that, effective on the date designated by the President, not later than the first day of the first calendar month beginning