

§ 940. Art. 140. Delegation by the President

The President may delegate any authority vested in him under this chapter, and provide for the subdelegation of any such authority.

(Aug. 10, 1956, ch. 1041, 70A Stat. 78.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Row 1: 940, 50:736, May 5, 1950, ch. 169, § 1 (Art. 140), 64 Stat. 145.

The word "may" is substituted for the words "is authorized to * * * to".

§ 940a. Art. 140a. Case management; data collection and accessibility

The Secretary of Defense shall prescribe uniform standards and criteria for conduct of each of the following functions at all stages of the military justice system, including pretrial, trial, post-trial, and appellate processes, using, insofar as practicable, the best practices of Federal and State courts:

- (1) Collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under section 946 of this title (article 146).
(2) Case processing and management.
(3) Timely, efficient, and accurate production and distribution of records of trial within the military justice system.
(4) Facilitation of access to docket information, filings, and records, taking into consideration restrictions appropriate to judicial proceedings and military records.

(Added Pub. L. 114-328, div. E, title LXI, §5504(a), Dec. 23, 2016, 130 Stat. 2961.)

DELAYED EFFECTIVE DATE

For delayed effective date of section, see Effective Date note below.

EFFECTIVE DATE

Pub. L. 114-328, div. E, title LXI, §5504(b), Dec. 23, 2016, 130 Stat. 2961, provided that:

"(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act [Dec. 23, 2016], the Secretary of Defense shall carry out section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a).

"(2) STANDARDS AND CRITERIA.—Not later than 4 years after the date of the enactment of this Act, the standards and criteria under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a), shall take effect."

Except as otherwise provided, section 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 an Effective Date of 2016 Amendment note under section 801 of this title.

SUBCHAPTER XII—UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

Table with 2 columns: Sec., Art. Row 1: 941, 141. Status.

Table with 2 columns: Sec., Art. Row 1: 942, 142. Judges. Row 2: 943, 143. Organization and employees. Row 3: 944, 144. Procedure. Row 4: 945, 145. Annuities for judges and survivors. Row 5: 946, 146. Code committee. Row 6: 946a, 146a. Annual reports.

AMENDMENT OF ANALYSIS

Pub. L. 114-328, div. E, title LXIII, §§ 5541(8), 5542, Dec. 23, 2016, 130 Stat. 2967, provided in part 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 analysis is amended by striking item 946 and inserting the following new item:

Table with 2 columns: Sec., Art. Row 1: 946, 146. Military Justice Review Panel.

See 2016 Amendment note below.

AMENDMENTS

2016—Pub. L. 114-328, div. E, title LXIII, §5541(8), Dec. 23, 2016, 130 Stat. 2967, added item 946a and substituted "Military Justice Review Panel" for "Code committee" in item 946.

1994—Pub. L. 103-337, div. A, title IX, §924(c)(3)(A), Oct. 5, 1994, 108 Stat. 2831, substituted "UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES" for "COURT OF MILITARY APPEALS" as subchapter heading.

1990—Pub. L. 101-510, div. A, title XIV, §1484(i)(2), Nov. 5, 1990, 104 Stat. 1718, redesignated subchapter XI as XII.

§ 941. Art. 141. Status

There is a court of record known as the United States Court of Appeals for the Armed Forces. The court is established under article I of the Constitution. The court is located for administrative purposes only in the Department of Defense.

(Added Pub. L. 101-189, div. A, title XIII, §1301(c), Nov. 29, 1989, 103 Stat. 1570; amended Pub. L. 103-337, div. A, title IX, §924(a)(2), Oct. 5, 1994, 108 Stat. 2831.)

AMENDMENTS

1994—Pub. L. 103-337 substituted "Court of Appeals for the Armed Forces" for "Court of Military Appeals".

CHANGE OF NAME

Pub. L. 103-337, div. A, title IX, §924(a)(1), Oct. 5, 1994, 108 Stat. 2831, provided that: "The United States Court of Military Appeals shall hereafter be known and designated as the United States Court of Appeals for the Armed Forces."

§ 942. Art. 142. Judges

(a) NUMBER.—The United States Court of Appeals for the Armed Forces consists of five judges.

(b) APPOINTMENT; QUALIFICATION.—(1) Each judge of the court shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, for a specified term determined under paragraph (2). A judge may serve as a senior judge as provided in subsection (e).